The drill grounds in this camp were sufficient to train the Eighty-second Division, and the splendid record of this division in Europe is reasonable proof that they were well drilled.

I am confident Army experts will sustain my view that the only additional land required is the target range.

Senator SHEPPARD. How long have you had this camp, Senator SMITH?

Senator SMITH. It was built at the first of the war.

Senator SHEPPARD. At Camp Gordon?

Senator SMITH. Yes. Before you came in I stated Gen. Wood, in the winter of 1915–16, was the commander of the Southeastern Division, and I think he made a formal report on the subject. He told me he intended to recommend the establishment at Gordon of a divisional camp as a part of the permanent distribution of troops in time of peace, it being the best point between the Potomac and the Mississippi Rivers for such purpose.

The VICE PRESIDENT. The question is on the motion of the Senator from New York.

The motion was agreed to; and the Vice President appointed Mr. WADSWORTH, Mr. SPENCER, Mr. LENROOT, Mr. CHAMBERLAIN, and Mr. SHEPPARD conferees upon the part of the Senate.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 17, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 16, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O, Thou Great Jehovah, imminent in all the works Thou hast wrought, attested, in the light of the farthest star that illumines space; in the tiniest flower that blooms on the lonely mountain top; in the most forlorn heart inspired to action.

The world is passing through a trial of greatest magnitude and we call upon Thee for faith, hope, love to guide us, potent factors in the affairs of men, that truth, liberty, justice, mercy, love, may prevail. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, February 14, 1920, was read and approved.

LEAVE OF ABSENCE.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent for indefinite leave of absence for my colleague, Mr. FORDNEY, on account of illness in his family.

The SPEAKER. Is there objection?

There was no objection.

SALE OF GERMAN SHIPS—REFERENCE OF PETITIONS.

Mr. WALSH. Mr. Speaker, I ask that certain petitions which are being filed opposing the sale of former German ships, and which have been referred to the select committee to investigate the Shipping Board, be hereafter referred to the Committee on the Merchant Marine and Fisheries. It seems to me that that is the proper committee to which they should go, as it has legislative jurisdiction, a thing that the select committee does not have. These petitions involve a matter which might possibly require legislation, and while the select committee is investigating certain phases of the matter which is the subject of the petitions, I am sure that the Committee on the Merchant Marine and Fisheries, presided over by my colleague [Mr. GREENE], is the proper committee to take cognizance of these matters.

Mr. GARNER. Mr. Speaker, may I ask the gentleman a question? Why not have those already sent to the select committee sent to the Committee on the Merchant Marine and Fisheries, so that that committee will have them all in one place?

Mr. WALSH. If this reference is made, it is my intention then to ask a rereference of those that have already been referred to the select committee to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The Chair will state that he will follow the suggestion of the gentleman from Massachusetts and in the future will so refer such petitions.

Mr. WALSH. Then I ask unanimous consent that certain petitions opposing the sale of these German ships which have been already referred to the committee to investigate the Shipping Board be rereferred to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. Without objection, it will be so ordered.

Mr. GARD. Mr. Speaker, reserving the right to object, is it not the practice to have all of these petitions referred under the guidance of the Speaker, so that the Speaker may refer them to the committees he thinks proper?

The SPEAKER. That is correct, and the Speaker, under that practice, has referred some of them to the committee on investigation, but the chairman of that committee having suggested that he thinks they should go to the other committee, the Speaker in the future will refer them to the Committee on the Merchant Marine and Fisheries.

Mr. MANN of Illinois. Mr. Speaker, I take it that under the rule the Member filing the petition makes the reference.

Mr. WALSH. The Member usually does.

The SPEAKER. These are petitions which are usually referred by the Member himself.

Mr. GARD. They may be sent, I suspect, where they are directed by the introducer of the petition.

The SPEAKER. When they are filed without any reference, then the Speaker, through the Clerk, refers them. Without objection, the request of the gentleman from Massachusetts will be agreed to.

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11960, the Diplomatic and Consular appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the Diplomatic and Consular appropriation bill, with Senate amendments, disagree to all of the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I desire some information, if possible. It has been reported through the press that the President, through proper order, has made provision for entering into the United States of Mexican labor without passport fees or payment of the head tax to meet the agricultural emergency in Texas and possibly in some of the other States. I want to know whether that is an order that has any definiteness to it and upon which the people may depend. There is a great scarcity of labor in the State of Texas just now, and it is almost impossible for farmers and stockmen to get help of any kind, within any reasonable limit, both as to the required number of employees and wages demanded, and they would like to know what they may depend upon in the future. If the gentleman can give us any light on that subject, I would be glad to have it.

Mr. JOHNSON of Washington. Mr. Speaker, if the gentleman from Pennsylvania will permit, I think this statement will answer the gentleman from Texas. The Secretary of Labor on February 12 in a very short order continued the regulations as they existed on January 1, 1920, lifting certain provisions of the law with regard to passports, head tax, and illiteracy with respect to laborers from contiguous territory coming into the border States and into Florida. The Secretary finds his authority under a certain provision which is found in the last part of section 3 of the present immigration laws.

Mr. BLANTON. And that is to last how long?

Mr. JOHNSON of Washington. Until further notice—through this crop season, I imagine.

Mr. SNELL. Mr. Speaker, will the gentleman tell me whether that applies to Canada?

Mr. JOHNSON of Washington. It does. The order is as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 12, 1920.

To the COMMISSIONER GENERAL OF IMMIGRATION:

Pending action by Congress on proposed legislation in re admission of laborers for agricultural pursuits to meet conditions such as are claimed to exist in States on the northern and southern borders and in the State of Florida, you are hereby directed, until further instructed, to put in force in States on said borders and in the State of Florida the regulations existing January 1, 1920, relating to the admission of laborers in States on the southern border and in Florida.

W. B. WILSON, *Secretary.*

Mr. BLANTON. Would not a proclamation of peace destroy that order?

Mr. JOHNSON of Washington. I think not. The order is issued on account of other than a war emergency.

Mr. BLANTON. The gentleman from Massachusetts wants to know what this committee has to do with it. This particular bill has to do with passports, and said order would exempt Mexican laborers from paying the $10 per head, which means much to our Texas people.

Mr. JOHNSON of Washington. No; it has nothing to do with that. The immigration law provides that the Secretary of Labor under certain conditions may remove these restrictions.

Mr. BLANTON. And we may expect that order to last through the present crop year. That is what our Texas people want.

Mr. JOHNSON of Washington. Yes. There is nothing in this bill that affects that.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MONDELL. Mr. Speaker, reserving the right to object, there are some Senate amendments on this bill that I think are not entirely in harmony with the view the House has in respect to the matters affected. I feel confident that the conferees will give consideration to the views of the House in connection with those matters, and my own hope is that some of these amendments will not be agreed to.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I wish to call the attention of the House to the fact that a certain amendment in the bill provided for a charge of $10 a head for passports to those desiring to leave the United States, which, it is said, will raise quite a large sum of money. At the same time the Senate inserted amendments increasing the amount of appropriations $700,000, and I would like to ask the chairman of the Committee on Foreign Affairs whether it is the intention of the conferees to permit this $700,000 to remain in the bill on the theory that the revenue received from the passport clause will meet these additional expenditures?

Mr. PORTER. Mr. Speaker, it is the purpose of the conferees to carry out the intention of the House as expressed in the House bill and oppose any increase——

Mr. GARNER. If the gentleman will permit, does the amendment referred to by the gentleman from Illinois provide that the moneys collected for the passports shall be turned into the Treasury or shall be kept by the State Department for expenditure?

Mr. PORTER. The money is paid directly into the Treasury.

Mr. GARNER. Then the question as to there being a profit from that to the State Department would not be taken into consideration?

Mr. MADDEN. No; the only question is whether or not the Committee on Foreign Affairs of the House would feel that, inasmuch as the revenue was to be derived from that source, they would be more liberal in the matter of appropriations, and that is one of the things to which I am opposed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees: Mr. PORTER, Mr. ROGERS, and Mr. FLOOD.

EXTENSION OF REMARKS.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by former President Taft which appears in the papers this morning relative to the powers and duties of Cabinet officers.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by inserting an article by ex-President Taft appearing in the morning papers. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I want to direct the attention of the gentleman from Massachusetts [Mr. WALSH] to this request. Mr. Taft is quite prolific with his articles, as we all observe, in the morning newspapers. Now, I think it should be understood that where one of the articles of Mr. Taft tickles the fancy of some one on this side, and which probably takes a lick at somebody on that side, that he should be permitted to put it in the RECORD, and I merely call the attention of the gentleman to it at this time so that there will be no controversy in the future in reference to printing these articles in the CONGRESSIONAL RECORD.

Mr. KITCHIN. I desire to call the attention of the House to the fact that print paper is very scarce, and it costs a lot to print, and if they are going to print all of ex-President Taft's letters it will cause a very much larger shortage in print paper. [Laughter.]

Mr. LONGWORTH. I will say to my friend there seems to be some serious difference of opinion in certain quarters as to the rights and duties of Cabinet officers.

Mr. KITCHIN. I do not think there is much difference of opinion; if that is all, I would object——

Mr. LONGWORTH. It is for the illumination of the gentleman and the other Members of the House and for the information of the country.

Mr. WINGO. Mr. Speaker, reserving the right to object, I want to call the attention of the gentleman from Ohio to the fact that I read this article very hurriedly and there is one statement in there that shows that the ex-President evidently read the correspondence between the President and the Secretary of State very hurriedly, because there is a misstatement of fact. I know it is not intentional on the part of ex-President Taft. He has drawn a conclusion based upon that. I was going to compare it to-day, and I would not want it to go into the RECORD and be circulated if it is a misstatement of fact.

Mr. LONGWORTH. I submit the article for what it is worth. Of course, the gentleman would have opportunity, perhaps, later to correct any misapprehension.

Mr. WINGO. If we should undertake to refute all the misstatements of leading Republicans, public business would be impeded indefinitely, and for that reason I shall object for the present.

Mr. ANDREWS of Nebraska. Mr. Speaker, I renew my request to extend my remarks in the RECORD by printing an address of my own on Abraham Lincoln.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by him on Abraham Lincoln. Is there objection?

Mr. WALSH. Well, Mr. Speaker——

Mr. GARD. Mr. Speaker, is this the same address the gentleman from Indiana objected to the other day?

Mr. ANDREWS of Nebraska. Yes, sir.

Mr. GARD. I understand the gentleman delivered it before some organization of the Grand Army of the Republic?

Mr. ANDREWS of Nebraska. I delivered it before the Grand Army of the Republic last Friday evening.

Mr. WINGO. I hope my friend will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Davey bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD on the Davey bill. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, I asked unanimous consent, when the gentleman from Illinois [Mr. MANN] was in the chair last Saturday, to extend in the RECORD some telegrams from some cattlemen in my home county on the Agricultural bill. Some of those telegrams I did not get until yesterday, and I should like to ask permission to insert them in the RECORD now.

The SPEAKER. Is there objection?

Mr. WALSH. The gentleman from Colorado [Mr. TAYLOR] got unanimous consent to extend his remarks by inserting a telegram, as I understand it, which he then had. Now, undoubtedly, the balance of these telegrams will probably be simply cumulative and to the same effect. I do not think at this late date we ought to fill up the RECORD with them.

Mr. TAYLOR of Colorado. They are from some half dozen stockmen's associations, who urge the Committee on Agriculture to come there and examine the facts. They ask to have a hearing. The telegrams are not extensive at all. They set forth their conditions and the reasons why there should be no increase in the charge for grazing cattle on the forest reserves. The telegrams are to me from the most prominent stockmen in the State, whom I have known for many years, and I feel that the House should have the benefit of their judgment.

Mr. WALSH. It is dangerous to put telegrams in the RECORD inviting committees to visit——

Mr. MADDEN. Mr. Speaker, reserving the right to object, did I understand the gentleman from Colorado to say that these telegrams he wishes to put in the RECORD are telegrams that the people in Colorado notified him they were going to send?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MADDEN. How did they notify him? By mail?

Mr. TAYLOR of Colorado. They wired me, and then called the stockmen's meeting, and did not get around to sending them until after the bill had passed. I feel that they contain information the House and especially the Agricultural Committee ought to have.

Mr. WALSH. What information can the House get from these now, the bill having passed with the very amendment in there that most of them were interested in?

Mr. TAYLOR of Colorado. They want the House to know the conditions, and they want the committee to come there and investigate and hold a hearing. They present the matter very fairly, and I really feel that the telegrams ought to go in the RECORD. They are not lengthy at all and the question of grazing fees and the attempt to commercialize the grazing on the forest reserves is not settled by the passage of that bill. The cattlemen have got a right to be heard now or some time before the rights are adversely affected.

The SPEAKER. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to insert in the RECORD two articles by Mr. Taft indorsing the League of Nations and asking the Republicans in the Senate to agree upon the treaty.

Mr. WINGO. Mr. Speaker, I object.

UNANIMOUS-CONSENT CALENDAR.

The SPEAKER. To-day the Unanimous Consent Calendar is in order, and the Clerk will report the first bill.

LEAVE OF ABSENCE TO OFFICERS OF THE COAST GUARD.

The first business on the Calendar for Unanimous Consent was the bill (S. 3202) granting leave of absence to officers of the Coast Guard, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, I ask that the bill be reported.

Mr. GARD. Reserving the right to object——

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to grant leave of absence without pay to such officer or officers of the United States Coast Guard as he may deem advisable, and to permit him or them to accept employment with the Venezuelan Government with such compensation and emoluments as may be agreed upon between the Venezuelan Government and such officer or officers thus granted leave of absence.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, the report on this bill is not very extensive. I was wondering whether the gentleman had supplemented it with any additional report; and if not, if he will advise us more particularly concerning the bill than appears in the small report as to what the bill is intended to do?

Mr. DALE. Mr. Speaker, I would say to the gentleman from Ohio that I have not supplemented it with any report. I will be glad to state what I know about the facts.

About a year ago the Venezuelan Government asked their minister here in Washington to see if he could obtain from our Coast Guard an officer, and have him sent to the Venezuelan Government to act in the capacity of architectural director in the national navy yard at Puerto Cabello, and arrangements were made with the Navy Department, under which at that time the Coast Guard was being operated, it having been transferred from the Treasury Department to the Navy Department during the war, and an officer from the Coast Guard was detailed to go there. But they discovered there was no authority under which he could be transferred; that he would have to resign. Now, the Coast Guard officials were very anxious to keep this man in the service and keep all the men in the service that they had—these officers particularly. They did not want them to resign, and the request came from the Coast Guard itself to obtain authority under which they could allow one of these officers, or two of them, as the case might be, to be transferred to the Venezuelan Government, without pay, and transferred under leave of absence, so that at the end of their period of service of a few months or a year or so they might come back into the Coast Guard Service of our Government.

Now, this matter was submitted to the State Department, and the State Department recommended it. They recommended it because of some reasons that perhaps it might not be public policy to state here on the floor, but they thought if the Venezuelan Government wanted our officers there it might have a good influence over that Government and Governments in that locality to have one of them there. Not only that, but they thought it might be beneficial to both Governments if the Venezuelan Government could have the advantage of our system of conducting affairs in our Coast Guard.

Mr. GARD. Do I understand that one officer had already been detailed by the Navy Department and had given service to the Venezuelan Government in his capacity?

Mr. DALE. No, sir. He had not gone to the Venezuelan Government. Arrangements had been made for the transfer of this officer from our Coast Guard to the Venezuelan Government, but he did not go, because they discovered there was no authority under which it could be done.

Mr. GARD. How many officers is it contemplated to send down there?

Mr. DALE. At the present time it is contemplated to send only one officer; possible a little later two; but only one or two.

Mr. GARD. It seems there is some difficulty in keeping the best men under the naval appropriations now in the service. I had the idea that possibly this bill might be a little broad, inasmuch as it authorizes leave of absence to an officer or officers of the Coast Guard, placing it in the discretion of the President, possibly, to send more than should be sent, it resting in the discretion of some one.

Mr. DALE. I may be mistaken about this, but it is my impression that these officers are not under the Navy Department at all. They are under the Treasury Department.

Mr. ANDREWS of Nebraska. Mr. Speaker, will the gentleman yield at that point?

Mr. DALE. I yield to the gentleman from Nebraska.

Mr. ANDREWS of Nebraska. Mr. Speaker, during the war time the Coast Guard was transferred to the Navy Department and acted under the orders of that department. At the conclusion of military operations the officers of the Coast Guard were returned to the Treasury Department and are permanent officers of the Treasury Department.

Mr. GARD. In that event they are now under the Treasury Department?

Mr. ANDREWS of Nebraska. Yes; they are now, an order having been issued for their return since the signing of the armistice.

Mr. HICKS. Mr. Speaker, will the gentleman yield for a question?

Mr. DALE. I yield to the gentleman from New York.

Mr. HICKS. Will this officer who goes down to Venezuela have to swear allegiance to the Venezuelan Government?

Mr. DALE. No; not at all. They go there under leave of absence. They draw no pay from this Government. They are paid by the Venezuelan Government. At the end of their service in Venezuela they come back here.

Mr. HICKS. Is the arrangement contemplated somewhat similar to the arrangement now in vogue in regard to our marines in the island of Haiti? As the gentleman knows, we have marines there who are a part of the gendarmery of Haiti, who are receiving pay from the United States Government and in addition are getting a stipend from the Haitian Government. They are, for all practical purposes, Haitian troops.

Mr. DALE. No; I understand the marines are acting in Haiti as station marines while they are there, and they are acting under a treaty. The matter was adjusted, as I understand it, by a treaty between this Government and the Government of Haiti.

Mr. HICKS. Will this officer detailed to Venezuela be a Venezuelan officer while on leave?

Mr. VAILE. Mr. Speaker, will the gentleman yield?

Mr. DALE. Yes.

Mr. VAILE. I think he is simply under contract with the Venezuelan Government, as a civil employee would be. We do not think he should be required to lose his place and rank in the service of the United States when he returns.

Mr. HICKS. He would not be a Venezuelan officer?

Mr. DALE. I understand not. I am very sure he simply goes as an instructor.

Mr. ANDREWS of Nebraska. Mr. Speaker, will the gentleman yield again?

Mr. DALE. I yield.

Mr. ANDREWS of Nebraska. These men in the Coast Guard Service now are the men who formerly constituted the Revenue-Cutter Service——

Mr. HICKS. And the Life-Saving Service.

Mr. ANDREWS of Nebraska. The Revenue-Cutter Service was a separate branch by itself. The Life-Saving Service was another special branch by itself. Those two divisions in the Treasury were consolidated under the title "Coast Guard Service." Now, these men who go are the men who belong to what we formerly designated as the Revenue-Cutter Service, and that service was the police force for the collection of customs duties as we all understand it.

Mr. DALE. The gentleman from Ohio [Mr. GARD] asked me some other question, I think, a while ago.

Mr. GARD. No; I did not ask any particular question. I asked to be enlightened concerning the report, and the gentleman has given information which has satisfied me.

Mr. DALE. I did not want to ignore the question. I would say that in discussing this matter with the Treasury Department the Treasury Department referred to the shortage of officers, to which the gentleman from Ohio has just made reference, and said they were very anxious for a bill of this kind to pass, because they thought it would prevent the resignation of these officers. They feared that the officers, if they were not given leave of absence under which they could take on this service temporarily, might be induced to leave the service. The inducement would be large enough from the Venezuelan Government to warrant their resigning from the service of our Government.

Mr. GARD. Would the gentleman be willing to accept as an amendment the insertion of the word "civil" in line 7, so that it would appear that they were accepting civil employment?

Mr. DALE. I think it would be civil employment. I have the impression that the insertion of the word "civil" would do no harm.

Mr. GARD. I suggest that because of the inquiry of the gentleman from New York [Mr. HICKS] as affecting the status of these men if they leave the United States service to go into the service of Venezuela as officers of the navy, because that is practically what it amounts to. What is their international status?

Mr. DALE. Well, in their request for this officer they ask for an engineer of experience to accept an appointment in their navy yard at Puerto Cabello. Now, if they ask for an engineer to accept an appointment in the navy yard, I will say frankly to the gentleman from Ohio I do not know whether the word "civil" would be fatal to their object or not, but if not I have no objection to it.

Mr. GARD. My question was based on the inquiry of the gentleman from New York as to what would be the status of an American officer detailed to the Venezuelan Government and serving as an officer of the Venezuelan Navy in the navy yard.

Mr. DALE. I do not know whether it would be similar to the marines or not. I know that the marines are in the Haitian service, and they wear the Haitian uniform.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DALE. Certainly.

Mr. MANN of Illinois. The Coast Guard Service has control over what is really the Life-Saving Service and the Revenue-Cutter Service, I take it, and that is what I want to ask about. This man would be employed to help install or instruct in reference to the life-saving service, or probably the construction of small vessels used in the revenue service or coast-guard service of Venezuela. Is not that the purpose?

Mr. DALE. The gentleman from Illinois has stated the purpose for which these men are asked to go to Venezuela almost exactly as the request was made.

Mr. MANN of Illinois. They want an expert?

Mr. DALE. Yes.

Mr. MANN of Illinois. We have plenty of experts?

Mr. DALE. Yes.

Mr. MANN of Illinois. They want to borrow an expert for use in their coast-guard and life-saving service?

Mr. DALE. Yes.

Mr. MANN of Illinois. I do not see why we should object to that.

The SPEAKER pro tempore (Mr. WALSH). Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to grant leave of absence, without pay, to such officer or officers of the United States Coast Guard as he may deem advisable, and to permit him or them to accept employment with the Venezuelan Government with such compensation and emoluments as may be agreed upon between the Venezuelan Government and such officer or officers thus granted leave of absence.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. DALE, a motion to reconsider the vote by which the bill was passed was laid on the table.

FLATHEAD INDIAN ALLOTMENTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2454) for the relief of certain members of the Flathead Nation of Indians, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, I should like to hear from the gentleman in charge of the bill.

As I understand this bill it is proposed to allot to the Flathead Indian children, who have not heretofore received allotments, proportionate allotments in accordance with those that have already been made, and that 40 acres of each allotment shall be inalienable.

Mr. EVANS of Montana. That is correct, Mr. Speaker.

Mr. MANN of Illinois. Just for information, knowing that this has been the custom in the past, what will happen when the land runs out and more children are born after that?

Mr. EVANS of Montana. There will be no further allotments made.

Mr. MANN of Illinois. Well, I do not know. I think there have been some cases where in that event we were asked to buy land to make allotments or to furnish money compensation for lack of land. I believe this has been the practice for years. I never could see much justice in it, I am frank to say that. That is what it does, as I understand.

Mr. EVANS of Montana. That is what it does; yes.

Mr. MANN of Illinois. Is this character of legislation principally designed to benefit the children who were brought into the world after the original allotment or to encourage the parents to have more children?

Mr. EVANS of Montana. Mr. Speaker, I can not answer the gentleman's question.

Mr. HASTINGS. If the gentleman will permit, this legislation is really in effect to move up the date of the making up of the roll, in order to take care of some after-born children. This is a Senate bill, but the representation made before the House Indian Committee was that there is plenty of land to take care of these children. If the land is not allotted to these children, there is some provision whereby it may be sold to settlers, and the department is very desirous of having these later-born Indian children take allotments before the lands are sold.

Mr. MANN of Illinois. Now, as a matter of fact, where allotments have been to all of the Indians, including all the minors up to a certain date, the balance of the land belongs to the whole tribe, and if a sale of land is made it is for the benefit of the tribe. Then when we bring the allotment down to date we take the land away from those who do not have more children and practically give it to those who have large families of children.

Mr. HASTINGS. Answering the gentleman, of course the date as of which the roll was made up was an arbitrary date. Congress could have fixed any other date. If this change is made it will be because Congress believes that instead of fixing the former date the time ought to be moved up to the present date. The amount that would be received for this land if sold would be inconsiderable. If the land is allotted to the children, it goes to the various families anyhow, and I understand from the representations made to the department and by them to the committee that this is in the interest of the Indians, that the Indians want it, and that there is no protest from them. I understand also from representations made by members of the Senate Committee on Indian Affairs that it is very desirable that this legislation should be enacted.

Mr. MANN of Illinois. I remember how ardently my distinguished friend from Oklahoma the other day spoke in favor of the proposition to remove all restrictions from Indians——

Mr. HASTINGS. No.

Mr. MANN of Illinois. Whenever they become competent.

Mr. HASTINGS. With that condition; yes.

Mr. MANN of Illinois. I usually state a thing fairly accurately when I get through. But here is a proposition which keeps the restrictions on, no matter how competent the Indian may become.

Mr. HASTINGS. Yes; but the gentleman from Illinois will also remember that in the last Indian appropriation bill we provided for three competency commissions. The purpose is to have these competency commissions go among the various Indian tribes, including this tribe, and to release the competent Indians in all the tribes.

Mr. MANN of Illinois. It will not release them in this case, because here is a provision in this bill, proposed by way of amendment, that 40 acres shall remain inalienable during the lifetime of the allottee. It does not make any difference how competent he may be, he can not sell the property, mortgage it, or otherwise dispose of it during his life. What does my distinguished friend from Oklahoma say about that after his ardent speech of the other day?

Mr. HASTINGS. I believe if any Indian is declared by a competency commission to be competent, and that is approved by the Secretary of the Interior, that Indian ought to be placed upon a plane with the white man. The gentleman asks me a question, and I make that frank answer.

Mr. MANN of Illinois. What does the gentleman say, then, to this proposed amendment that 40 acres shall remain inalienable and nontaxable during the lifetime of the allottee? That will mean in some cases 70 or 80 years from now.

Mr. CARTER. If the gentleman will permit a suggestion from me, I will say that that amendment ought to be changed so that the allottee would not have to come to Congress to get his restrictions removed, but it ought to be left with the Secretary of the Interior rather than with Congress to determine, because that is an administrative matter.

Mr. MANN of Illinois. The gentleman from Oklahoma [Mr. CARTER], then, is of the opinion that we ought not to put in a

provision that certain property shall remain inalienable and nontaxable for 60 or 70 or 80 years, depending upon the length of the life of the allottee?

Mr. CARTER. If the gentleman from Illinois will permit me——

Mr. MANN of Illinois. Certainly.

Mr. CARTER. I will tell him what I think ought to be done in this case. These are children born since the allotment was made. I think the allotments ought to be inalienable and nontaxable during their minority, and after that time I think the Secretary of the Interior should not be denied the right to remove restrictions, if they are found competent, after attaining their majority.

Mr. BEE. Will the gentleman from Illinois yield for me to ask a question of the gentleman from Oklahoma?

Mr. MANN of Illinois. I will.

Mr. BEE. Would the gentleman accept an amendment that it should not be salable during minority, but after the man becomes of age, in case he is found competent, it may be sold?

Mr. CARTER. The gentleman knows that this is not my bill, but I think that would be a wholesome provision and ought to be placed in the bill.

Mr. MANN of Illinois. I was not raising objection against the views of gentlemen, but I think Congress ought to legislate along the same line on two bills which it considers on two successive days.

Mr. WALSH. Mr. Speaker, reserving the right to object, what does it propose to do with children who are born during the year following the one year after the passage of this act?

Mr. HASTINGS. There is no provision made for that. Of course, they will not be allotted any land unless Congress makes provision for it.

Mr. WALSH. I know; but why should we take one group of children who have been born since the act of 1904 and permit a year to elapse after the passage of this law, and then say now these children who are unfortunate enough to be born after that time will have to be treated on a different basis?

Mr. HASTINGS. I can not answer the gentleman. This is a Senate bill passed by the Senate, sent over to the House, and referred to the Indian Committee. The representation was made to the Indian Committee that there is plenty of land to allot to these children and that it is desirable to have it allotted to the Indian children rather than to be taken up by white settlers, in which event only a small amount would be paid.

Mr. WALSH. I notice that there are 600 children and 25,000 acres of land. They propose to give them 40 acres each, which will take up 24,000 acres. I was wondering why this particular group of 600 children are proposed to benefit from this legislation at this particular time. Why not look to the future, if this is a good policy, which I doubt; why not enact a broad, general law which will take care of the children as they come along?

Mr. HASTINGS. It might be, although I can not answer specifically, that as to the other Indian reservations there would not be sufficient land. But here there will be no charge whatever on the Government, because there happens to be plenty of land to allot to the children.

Mr. WALSH. Does the gentleman believe that we are doing these children a benefit by passing this sort of legislation?

Mr. HASTINGS. I certainly do. It provides a home for them, and I think to provide a home for Indian children is much better than to give them the small amount that would be paid by the settlers for these lands.

Mr. WALSH. To permit them to have these 40 acres the gentleman thinks will tend to make them self-supporting, useful members of the community?

Mr. HASTINGS. I think it would be much better than to give them the equivalent in money. We are all hoping it will tend to make them self-supporting.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. WALSH. I will.

Mr. MANN of Illinois. I would like to ask the gentleman from Oklahoma. I notice in the report made by a commission to investigate irrigation projects on Indian lands that that report states that there are lands on the Flathead Reservation which should be permanently reserved for forestry purposes in order to protect the watershed and a number of streams, the saving of which is needed to irrigate Indian lands. Then, in answer to an inquiry made by the chairman, it was stated that if such is the case it would seem to be against the interest of the Flathead Indians to allow such lands to pass into private ownership, either to the settlers under the homestead law or by allotment to the Indians.

I notice that the Secretary of the Interior stated:

In view of the fact that in all probability the land which may be selected for watershed protection will consist largely of the mountainous part of the reservation, and that there is no probability that any Indian or homesteader will desire an allotment on such lands as the Forestry Service would use as a national forest, I do not see any good reason why action on Senate bill 2454 should be deferred until the commission indicated has made its report.

Mr. HASTINGS. That is what I was going to call attention to.

Mr. MANN of Illinois. Would it not be better to provide that no allotments should be made where it would interfere with the watershed protection and irrigation?

My observation in the world is that where somebody can get something of very small value which will interfere with other things of very large value, that he frequently does it in order to be bought out. Why not protect against that?

Mr. HASTINGS. That very question was raised before the Indian Committee by some of the western Members who are very familiar with the question that the gentleman from Illinois raises, and the bill went over for some time for further investigation. The department made the representation—I do not have the report before me and have not refreshed my memory from it—but I remember that the department made certain representations to the committee that there would be sufficient land to allot to the minor children without taking these lands necessary to protect the watershed referred to by the gentleman from Illinois.

Mr. MANN of Illinois. The Secretary says that there is no probability that any Indian or homesteader will desire an allotment of such lands as the Forestry Service would use as a national forest. It would seem to me the better way to do would be to protect that by a provision in the bill and not leave it to the probability of what some man wants, when his wants might interfere very materially with the interests of the tribe or of the Government.

Mr. HASTINGS. The department thought it could do it by regulation, by administration, and that it would have the power to do it by administration.

Mr. MANN of Illinois. They do not indicate it in this report.

Mr. HASTINGS. I know certain representations were made to the committee to that effect, and that induced us to report it favorable.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

Mr. WALSH. Mr. Speaker, this bill is on the Union Calendar.

The SPEAKER. The Chair has been considering the precedents, and he finds that it was held some years ago that when the House gave unanimous consent for the consideration of a bill it thereby dispensed with consideration of it under the Union Calendar. The Chair is disposed to follow that precedent, unless the House would rule otherwise..

Mr. WALSH. If that be so, then what is the difference between considering a bill by unanimous consent and suspending the rules?

The SPEAKER. There is this difference: This does not require a two-thirds vote, and, furthermore, the bill may be amended when it is considered under unanimous consent.

Mr. MANN of Illinois. And it requires unanimous consent to have it considered. Mr. Speaker, for a great many years it was the practice of the House, where a bill was on the Union Calendar and unanimous consent was given for its consideration, to consider the bill in the House. For some years after that, while Mr. CLARK was Speaker, he held that it still required unanimous consent to dispense with the consideration of the bill by the Committee of the Whole House on the state of the Union. If the Speaker announces his ruling on the subject, that, I think, disposes of it. We will know then that if unanimous consent be given, the bill is not to be considered in the Committee of the Whole House on the state of the Union, although I suppose a request might be made for unanimous consent to consider the bill without interfering with the right to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair thinks that if any Member desires to go into the Committee of the Whole House he could state that and give unanimous consent only upon the condition that the bill would be considered in Committee of the Whole House on the state of the Union. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That during the period of one year from and after the approval of this act the Secretary of the Interior is hereby authorized, under existing law and under such rules and regulations as he may prescribe, to make allotments on the Flathead Reservation, Mont., to all unallotted living children enrolled with the tribe, enrolled or entitled to enrollment: *Provided*, That such allotments be made

from any unallotted or unsold lands within the original limits of the Flathead Indian Reservation, including the area now classified and reserved as timber lands, cut-over lands, burned or barren lands thereon; and patents issued for allotments hereunder for any lands from which such timber has not been cut and marketed shall contain a clause reserving to the United States the right to cut and market, for the tribal benefit, as now authorized by law, the merchantable timber on the lands so allotted: *Provided further*, That when the merchantable timber has been cut from any lands allotted hereunder the title to such timber as remains on such lands will thereupon pass to the respective allottees, and the Secretary of the Interior is hereby directed to withhold from sale or entry all lands unsold and unentered within the said reservation at the date of the passage of this act until allotments hereunder have been completed. All acts or parts of acts inconsistent herewith are hereby repealed.

With the following committee amendments:

Page 2, lines 14 and 15, after the word "completed," strike out "All acts or parts of acts inconsistent herewith are hereby repealed" and insert: "*Provided*, That not exceeding 40 acres of each allotment made under the provisions of this act shall be designated as a homestead, which shall be inalienable and nontaxable during the lifetime of the allottee unless otherwise provided by Congress and so evidenced in the patents issued for said allotments."

Mr. CARTER. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 18, after the word "the" in the committee amendment, strike out the remainder of the paragraph and insert in lieu thereof the following: "minority of the allottee and thereafter until such restrictions may be removed either by Congress or the Secretary of the Interior."

Mr. CARTER. Mr. Speaker, I ask that the amendment be reported as it will read if this be agreed to.

The SPEAKER. The Clerk will report the amendment as it would read if the amendment to the amendment were agreed to.

The Clerk read as follows:

Provided, That not exceeding 40 acres of each allotment made under the provisions of this act shall be designated as a homestead, which shall be inalienable and nontaxable during the minority of the allottee and thereafter until such restrictions may be removed either by Congress or the Secretary of the Interior.

The SPEAKER. Does the gentleman from Oklahoma desire to be heard upon his amendment?

Mr. CARTER. No.

Mr. WALSH. Mr. Speaker, I desire to ask the gentleman from Oklahoma a question. What is the idea in giving this alternative power to the Secretary of the Interior or to Congress? Under the provision which is on the Indian appropriation bill I take it that upon the report of these competency commissions the Secretary of the Interior could remove these restrictions.

Mr. CARTER. Yes.

Mr. WALSH. That being so, what is the necessity of putting in the words "by Congress"? Congress could do it anyway.

Mr. CARTER. Both Congress and the Secretary have the right to remove restrictions now and both perform that function quite often. Only a few days ago we passed a bill through the House known as the citizenship bill, by which these restrictions were removed by Congress from persons of less than half Indian blood. The words were placed there simply to conform to existing law and in order to show that Congress was not abdicating any right it had to remove restrictions. It would have that right anyway.

Mr. WALSH. Just to let these people know that if the Secretary of the Interior would not do it, then some enterprising Member of Congress from that locality would be glad to bring in such a measure?

Mr. CARTER. That might be true, though I had not that in mind, I will say to the gentleman.

Mr. WALSH. No; but I was wondering what was the necessity of putting in the words "by Congress."

Mr. CARTER. It was simply in order to show that no change was made in existing law with reference to the power of Congress in that regard.

Mr. WALSH. But we do change the existing law by providing that the Secretary of the Interior may remove the restriction.

Mr. CARTER. The Secretary of the Interior now has the right to remove the restrictions and so has Congress. We simply propose that we shall do in the future with reference to these things after these children become 21 years of age the same thing we are proposing to do now, but that until they become 21 years of age their lands shall remain nontaxable and inalienable. When it comes to taxation of Indian lands, the courts have held that after an Indian has been given land with a nontaxable status recited in the deed, the lands can not then be made taxable by Congress, until that nontaxable period expires. I think if we put this specific provision in the bill reserving to Congress and the Interior Department the right to remove restrictions after he attains his majority, that would obviate this perpetual continuation of the nontaxable status of the lands after he becomes of age.

Mr. WALSH. Does the gentleman think that the language here employed would require the Secretary of the Interior to act only after these competency commissions should consider the matter in accordance with the requirements in the annual Indian appropriation act, or will it give him the power to act without having it referred to him?

Mr. MANN of Illinois. It would not have any reference to that, because it runs out before this takes effect.

Mr. CARTER. The Secretary, under existing law, has two methods of removing restrictions. One is by filing application with the local agent that comes on down through the Indian Bureau to the Secretary. The other is by a competency commission, to which the gentleman has just alluded. I do not think this will interfere with either of those.

Mr. RHODES. Mr. Speaker, I just came on the floor, and I desire to ask the gentleman from Oklahoma whether or not the amendment he proposes changes in any way, substantially, the bill as it has been reported?

Mr. CARTER. It changes the committee amendment, I will say to the gentleman. I did not see him on the floor or I would have consulted with him——

Mr. RHODES. I just came on the floor.

Mr. CARTER. The gentleman will notice the committee amendment provides that these lands shall be inalienable and not taxable during the lifetime of the allottee, unless otherwise provided for by Congress. That would not mean, perhaps, that Congress has not the right in the future to provide that the Secretary of the Interior might remove these restrictions, but it is a specific legal statement which might cause litigation as to taxation. I thought, after these children attained their majority, that it would not be consistent policy to preclude the Secretary from removing restrictions from the competent ones among them, just as we do with others at the present time, and for that reason the amendment was proposed. It was brought out by the suggestions of the gentleman from Illinois, who called attention to the fact that this was inconsistent with the policy that we had been pursuing.

Mr. RHODES. I would like to ask the gentleman one further question. The gentleman is aware of the fact that this bill was held under consideration for some considerable time pending the request by the chairman of the committee [Mr. SNYDER] of the Secretary of the Interior for his approval or disapproval of this measure?

Mr. CARTER. Yes.

Mr. RHODES. Now, does the gentleman's amendment meet the approval of the Secretary of the Interior?

Mr. CARTER. Oh, I have not consulted with him. I feel sure he would not oppose it. It does not change the existing law with reference to the matter. It leaves the fixed policy of the Government with reference to these Indians the same as with all other Indians.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. RHODES. I do, if I have the floor.

Mr. MANN of Illinois. I think it has not been the policy of the Congress to make an allotment of Indian lands to an allottee and then provide in no case it shall be taxed or disposed of within the lifetime of the allottee. In this case allotments are to be made to children, some of whom will be born after the bill is passed, and make their 40 acres nontaxable and inalienable for a lifetime, which may be 40, 50, or 70, or 80 years in some cases. It never has been the policy of Congress to do that, I think. We did get quite tied up by the treaty in the Oklahoma cases with reference to taxation and then we could not change the nontaxable provisions. I called attention to this when the bill came up under the reservation of the right to object.

Mr. RHODES. May I state, Mr. Speaker, in response to the suggestion by the gentleman from Illinois, that this request came before the committee from a lady residing on the reservation, who had some personal interest in the tribe, and, as I understand, her objections were first made known to the Committee on Indian Affairs in the Senate and then to the Committee on Indian Affairs in the House. Then the whole matter was referred to the Secretary of the Interior, and after the matter was considered by the Secretary, I think he filed quite a lengthy report or a letter approving the proposition, and the committee accepted the suggestion as being proper and right in the case. We may not have acted with full knowledge, but——

Mr. HASTINGS. If the gentleman will permit, if the gentleman will read the amendment of the gentleman from Oklahoma, I feel perfectly sure he will have no objection to it, because it continues the restriction and makes the land inalienable and

nontaxable during minority or until Congress acts or the Secretary acts. That is the substance of it.

Mr. CARTER. I will say to the gentleman I have it here and I will read it——

Mr. RHODES. That will perhaps meet the question I raised, but may not meet the question raised by the gentleman from Illinois.

Mr. MANN of Illinois. Oh, yes.

Mr. CARTER. Mr. Speaker, I think if we will read it, it will expedite it. I ask unanimous consent that the Clerk again report the amendment.

The SPEAKER. Without objection, the Clerk will again report the amendment.

Mr. CARTER. I ask that the Clerk report the committee amendment as amended, and I ask unanimous consent to change my amendment by adding the word "further" after the word "Provided."

The SPEAKER. Without objection, the modification is agreed to. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER to the committee amendment: Page 2, line 18, after the word "the," in the committee amendment, strike out the remainder of the paragraph and insert "minority of the allottee, and thereafter until such restrictions may be removed either by Congress or the Secretary of the Interior," so that as amended the committee amendment will read:

"*Provided further,* That not exceeding 40 acres of each allotment made under the provisions of this act shall be designated as a homestead, which shall be inalienable and nontaxable during the minority of the allottee and thereafter until such restrictions may be removed either by Congress or the Secretary of the Interior."

Mr. RHODES. I believe I like that better than the original form.

Mr. CARTER. That conforms to the policy.

The SPEAKER. The question is on the amndment to the amendment.

The question was taken; and the amendment to the amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RHODES, the motion to reconsider the vote by which the bill was passed was laid on the table.

WATER-SUPPLY OF LOS ANGELES, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 406) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, California, to the city of Los Angeles, Calif.," approved June 30, 1906.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WALSH. Mr. Speaker, I think this is one of the bills that ought to be considered in the Committee of the Whole House on the state of the Union, and unless it is I shall object to it.

The SPEAKER. Is there objection to the present consideration of the bill in the Committee of the Whole House on the state of the Union?

Mr. GARD. Mr. Speaker, this is a bill which, I take it after examination, is of very considerably broader scope than appears under the title of the bill, directing and authorizing the Secretary of the Interior to sell certain lands in the city of Los Angeles, Calif., for water purposes. I am calling the attention, first, of those who are proponents of the bill—and I do not desire to object unless it be necessary in the process of orderly legislation—to the letter of October 21, 1919, in which Assistant Secretary Riggs, of the Department of Agriculture, says:

Should a bill such as the general water-power bill which has passed the House and is now before the Senate be enacted, there will be no need of enacting special legislation to enable the city of Los Angeles to secure the rights of way which it requires for the completion of its power-development plan.

My understanding is, as the Secretary says, this water-power measure has passed the House and is now in conference between the Senate and House conferees, and I am asking, first, why the necessity now of pursuing this special legislation?

Mr. ELSTON. The gentleman will notice that in the following sentence of the report of Mr. Riggs it is stated that it does not appear under the provisions of the present bill that the city would obtain concessions inconsistent either with existing general legislation or with the legislation proposed under the water-power bill. I would take that to mean that, even if the water-power bill passed, the department would have no objections to the passage of the present bill, inasmuch as the matter would be only in the nature of duplication.

Now, I believe that it would be better to amend the act of 1906, as we do in the present bill, than it would be to rely on the water-power bill, which may never pass. If the gentleman will look at the present bill, he will see it merely amends the basic act in two or three sections and in particulars that are vital to the interests of the city.

Mr. GARD. It amends it in very radical detail, I am frank to say. It appears, and I have information to that effect, that it makes the reservation of practically 2,000,000 acres of land to the city of Los Angeles for a practically undetermined time. In the second place, it seeks to give official legislative sanction to the occupancy of a right of way which is extended from possibly some feet off of the right of way heretofore granted for a mile and a half. Of course, I understand the extension was made necessary by certain features which required the going away from the right of way heretofore granted and extending laterally beyond. But it involves a very considerable inquiry into what public lands are held in abeyance. Besides, it involves many questions in the department as to hydroelectric powers, with rights of usage by the city and rights of usage by persons who have cross lines. It involves also the questions of irrigation, which are very vital in the gentleman's State. And I think, in view of all these matters, it is not such a bill as should be considered upon the Calendar for Unanimous Consent.

Mr. ELSTON. I would like the gentleman to continue the discussion in this provisional way before he makes up his mind, because I think, with the knowledge he appears to have of the bill, he can be brought to see that it is a most important bill for the interests of the city of Los Angeles, and that if it passes it can not prejudice in any way any of the interests which the gentleman has mentioned.

The gentleman has mentioned irrigation interests and other interests that might be affected by what he calls this blanket reservation. Representatives of all these interests appeared before the committee, and I think the report states that those representatives and the interests affected are well satisfied with this bill.

I would plead with the gentleman to reserve his objection for a while, in order to afford further explanation of any matters he thinks are still in doubt.

Mr. WALSH. Will the gentleman from California yield?

Mr. ELSTON. Yes, sir.

Mr. WALSH. Would the gentleman object to adding a new section to the bill providing that the right to alter, amend, or repeal this act be expressly reserved?

Mr. ELSTON. There would be no question of that. As I recall, I think section 7 of the original act contains such a provision.

Mr. WALSH. It does, but that would not make it apply to a new section added to the bill.

Mr. TAYLOR of Colorado. As a matter of fact, the city has already spent something like $30,000,000, and is to spend some $20,000,000. They could not have a revocable permit and spend all that money on it.

Mr. WALSH. By a new section of this bill we are expressly making an additional grant, and Congress should not do that without reserving the right to alter, amend, or repeal it.

Mr. TAYLOR of Colorado. Not when the city has got to spend all this money on it.

Mr. WALSH. Without that in the bill you can not get it by here.

Mr. SINNOTT. That is in the original act.

Mr. WALSH. Yes; but it would not apply to the new section.

Mr. SINNOTT. It would still be left intact.

Mr. WALSH. I differ with the gentleman as to that.

Mr. MANN of Illinois. If it is in the original act what objection is there to putting it in the amendatory act?

Mr. WALSH. That is what I am asking.

Mr. ELSTON. Mr. Speaker, if gentlemen would discuss this matter for a moment I think——

Mr. GARD. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARD. Under the reservation, I presume I am entitled to the floor. I would like the gentleman from California [Mr. ELSTON] or the other gentleman from California [Mr. OSBORNE] to further explain the bill.

Mr. ELSTON. In regard to the blanket reservation that was contained in the original act, the effect of the present amendment is to curtail rather than enlarge this reservation.

Mr. WALSH. Mr. Speaker, I do not think we ought to discuss the merits of this bill simply to satisfy one or two questions under a reservation of a point of order. It seems to me the

merits ought to be discussed in the regular way. If the distinguished gentleman from Ohio [Mr. GARD] raises one or two objections I have no objection to the gentleman from California trying to explain away the gentleman's objection, but to go into the entire merits of the bill under a reservation of a point of order does not seem to me to be exactly regular.

Mr. RAKER. Mr. Speaker, let me call the gentleman's attention to the fact that that is just what the gentleman from California is doing.

Mr. WALSH. He will not do it very long if his colleague from California begins to ask questions. I do not demand the regular order.

The SPEAKER. Does the gentleman from California yield to the gentleman from California [Mr. RAKER]?

Mr. ELSTON. I yield.

Mr. RAKER. The question deals with irrigation and homesteads, affecting all this territory. A year ago the parties came here, and they are satisfied, I understand, with the provisions of the bill as it now stands.

Mr. ELSTON. I so stated to the gentleman from Ohio [Mr. GARD].

Mr. RAKER. So as to protect the city of Los Angeles as well as the homesteaders and any irrigationists who may desire to go in and develop water for irrigation.

Mr. ELSTON. That is the fact. Does the gentleman from Ohio desire a further explanation of the bill?

Mr. GARD. I do. If the gentleman desires to answer my question, I will be pleased to have him do it. If there is a demand for the regular order, I shall object.

Mr. ELSTON. If the gentleman would reserve that still, I would state that there was an original act passed in 1906 to enable the city of Los Angeles to take water from the Owens River and conduct it 240 miles to the city of Los Angeles. The intervening country is barren and largely desert land. It is not agricultural country at all. The bill gave the city of Los Angeles—I am speaking of the original bill—a blanket permit to lay out its conduits and construct its works over a territory as extensive as the territory mentioned in this bill.

The city entered upon the work and laid out in money something like $32,000,000 in constructing the works under the authority of the original bill passed in 1906. The time for completion fixed in the original bill of 1906 was not sufficient. It was a tremendous undertaking, one of the greatest ever undertaken by any municipality in the world's history. It took more than the time limited in the bill for them to construct their works and additions thereto.

One of the main objects of the present bill is to extend that time limitation over the same territory granted in the original bill. Now, the other object, as the gentleman has stated, is to correct the alignment of the aqueduct from the surveyed line accepted by the Secretary of the Interior. That survey was made, and it was found in the actual construction of the aqueduct, over 240 miles in length, that divergencies from the surveyed line had to be made. These divergencies varied from a few feet to probably less than a mile. I do not believe that any divergence exceeds a mile in width. This bill has for its object the validating of that divergence in the matter of the alignment of the aqueduct. The present bill is more restrictive of the rights of the city of Los Angeles than the old bill was. In amendment No. 1, mentioned in the conference report, and incorporated in section 2 of the bill, the gentleman will see that the rights of all other interests are protected. That includes the rights of power men, irrigationists, and any kind of interests that might want to go into that extensive territory for the purpose of obtaining rights of way.

The amendment to section 2 protects those people absolutely, gives them the right to a hearing, and the right to obtain rights of way. It further grants the privilege in this amendment of crossing the works of the city at any place; and it goes further than that. It not only gives the right of crossing but also of joint use for a certain limited distance, so that any other applicant could make application and be granted the right to use part of the city's works.

I think if the gentleman will read the present bill, he will see that it rather restricts the very extensive powers granted to the city in the original act.

Mr. RAKER. Will the gentleman yield?

Mr. ELSTON. Yes.

Mr. RAKER. Page 6, lines 19 to 25 of the bill read as follows:

Provided, That the lands affected hereby shall be subject to applications for homesteads, for rights of way for canals, ditches, or reservoirs, for the conveyance, delivery, or storage of water for irrigation, if same be filed in the proper United States land office prior to the filing of maps by the city of Los Angeles, showing the boundaries, location, and extent of the rights of way sought by said city.

The city of Los Angeles in its prior hearing upon the former bill, as well as in the hearing on this bill, was satisfied with and agreed to that provision of the bill without any question, to the end that homesteaders as well as irrigationists in that country shall be protected. Is that correct?

Mr. ELSTON. I think that is correct, and that answers fully the misgivings expressed by the gentleman from Ohio.

Mr. RAKER. I understand from our colleague, Capt. OSBORNE, who is also present with me now, that that is the position of the city of Los Angeles, and that they are perfectly willing to carry out this provision which I have just read.

Mr. OSBORNE. That is absolutely true.

Mr. RAKER. I want to say to the gentleman from Ohio that two years ago this same legislation was under consideration in S. 4023. The House amended the bill by inserting these provisions. The farmers and others in Inyo County came here and spent a month or two, and after many weeks of work the city of Los Angeles agreed to this amendment. They also came on this year, claiming that it involved 250,000 acres of irrigable land in another place, and as I understand it these parties are agreed and satisfied that this provision will protect them, and that it is proper legislation, and further that the amendment suggested by the committee on page 4, commencing with line 17, not only protects those who are there now, but those who may hereafter desire to file applications for water rights to irrigate some 250,000 acres of land.

This bill goes further than any bill that has ever been presented to the House, in that the right of way granted to the city of Los Angeles can not be exclusive, but that irrigationists and others who apply to the Secretary of the Interior can use it, so that the land can be used for both irrigating and power purposes.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Upon what does the gentleman base his statement that this right of way will not be exclusive?

Mr. RAKER. Commencing on page 4, line 17.

Mr. WALSH. Does the gentleman contend that that does not give the city an exclusive right of way, in view of other language in the bill?

Mr. RAKER. It is exclusive after they get it; yes. In other words, third parties make an application for a right of way, a reservoir, etc. They file their application. The Secretary of the Interior then notifies the city of Los Angeles. The city of Los Angeles comes forward with its application, and the Secretary of the Interior can say, "You shall both use this right of way for the benefit of everybody;" but if it interfered with or prevented the city of Los Angeles from completing and properly developing its right of way, why, of course, the application would have to be denied and ought to be denied, because they have been at work there for the last 12 years and have expended in the neighborhood of $32,000,000. They have a canal 240 miles long.

Mr. WALSH. That comes very near being an exclusive right.

Mr. RAKER. It is, under those circumstances.

Mr. WALSH. Well, under any circumstances.

Mr. RAKER. It would have to be exclusive under those circumstances.

Mr. SINNOTT. Is not the gentleman stating the case too strongly against the city?

Mr. TAYLOR of Colorado. Yes. That is not exclusive at all. Under the provision on page 5, anybody can come along, even after a hundred years, and run anything he pleases over this right of way.

Mr. RAKER. I said it was exclusive after it was granted, but not before. But the Secretary of the Interior is given an opportunity to adjust this matter, better than in any grant that has ever come before this House.

Mr. WALSH. The gentleman calls our attention to line 17, page 4, but he does not read the proviso on line 9, page 5.

Mr. RAKER. That is the same proviso.

Mr. WALSH. It happens to be another proviso.

Mr. RAKER. It says:

Provided further, That all rights of way herein and hereby granted and all other rights of way hereafter granted under general laws, for the purposes herein enumerated, over lands within the operation of this act, shall be with the reservation of the power to thereafter grant other rights of way by easement or permit, conflicting with such prior grants or permits for the purpose of permitting crossing of rights of way or for limited distances necessary common use of prior rights of way, under such conditions as the head of the department shall find necessary and shall determine to be properly protective against interference with and not detrimental to the construction, operation, and maintenance of the works of prior grantees or permittees.

And I want to call the attention of the gentleman to this fact——

Mr. WALSH. What does the gentleman now say—that it is exclusive or that it is not exclusive?

Mr. RAKER. It is not exclusive, of course.

Mr. WALSH. Which department does this refer to in this "provided further"?

Mr. RAKER. Both.

Mr. WALSH. Where it says—

Under such conditions as the head of the department shall find necessary?

Mr. RAKER. The two departments. Where the land is public land it goes to the Secretary of the Interior, and where it is national-forest land it goes to the Secretary of Agriculture, and there are both kinds of land in this grant.

Mr. WALSH. I would like to ask the gentleman from California [Mr. ELSTON]—not that I doubt the interpretation of the distinguished gentleman from California, Mr. RAKER—but in view of his explanation of this question, he having taken both positions on the matter, I would like to resolve a doubt that exists in my mind by asking the gentleman from California [Mr. ELSTON] if he agrees with his colleague that this refers to the heads of two different departments. I am referring to the language, line 17, page 5, "such conditions as the head of the department shall find necessary and shall determine to be properly protective against interference with and not detrimental to the construction, operation, and maintenance of the works," and so forth.

Mr. ELSTON. It is my impression that most of the applications will be filed with the Secretary of the Interior, and most of the approvals made by him. It is, however, a fact that a great deal of this land is covered by forest reserves, and, to the extent that rights of way are asked over the forest reserves, there would have to be some approval made by the Secretary of Agriculture. To that extent it would require the approval of the heads of the two departments.

Mr. RAKER. Page 2, line 1, grants the right of way over public lands and over reserves; so there are two heads of departments that must deal with the rights of way. There are two laws governing the subject, one granting jurisdiction to the Secretary of Agriculture over forest reserves and the other granting jurisdiction to the Secretary of the Interior over public lands.

Mr. GARD. Mr. Speaker, this seems to be of vital importance to the public, although the city of Los Angeles is mostly interested. I have not yet been satisfied that this bill should be considered on this calendar, and, in view of the extent of the holding back of lands made necessary by it, in view of the extensions of right of way, in view of the desire of the city apparently to create a tremendous water-power control out there, with little or no Government supervision and with no compensation, I am constrained to object.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

PAYMENT OF PURCHASE MONEY ON HOMESTEAD ENTRIES IN THE FORMER COLVILLE INDIAN RESERVATION, WASH.

The next business on the Calendar for Unanimous Consent was House joint resolution 194, amending joint resolution extending the time for payment of purchase money on homestead entries in the former Colville Indian Reservation, Wash.

The SPEAKER. Is there objection?

Mr. CARTER. Mr. Speaker, reserving the right to object, I would like to know how this joint resolution comes to be reported from the Committee on the Public Lands.

Mr. SINNOTT. This bill was referred to the Committee on the Public Lands.

Mr. CARTER. It provides for extending payment on moneys which are to be placed in the Treasury of the United States to the credit of certain Indians, a matter over which the Committee on the Public Lands has no jurisdiction in the world. The jurisdiction is clearly with the Committee on Indian Affairs, and the Public Lands Committee should have taken notice of that.

Mr. SINNOTT. There was considerable question in the committee among members as to jurisdiction. The Committee on the Public Lands has more work than it can attend to, and we have no desire to enlarge its jurisdiction. But as the matter was explained to us the Indians have no interest in these lands.

Mr. CARTER. This does not deal with the lands; it deals with payment of moneys which belong to Indians.

Mr. SINNOTT. This is public land, and the Indians are reimbursed by the Federal Government. The Government reimburses itself by the sale of these lands.

Mr. CARTER. The gentleman is mistaken. These were surplus Indian lands left over after the allotments were made on the Colville Reservation and then sold under the homestead law.

Mr. SINNOTT. That is the way it was explained to us, and it was further shown to the committee that this was a real emergency matter. We hoped that the question would not be raised.

Mr. CARTER. That may be true, but bills ought to go to the proper committee. The Indian Committee appropriates every year from funds of these very Colville Indians for administration purposes. I do not know how the funds stand to-day; but assume that next year on account of this extension the Colville Indians have no money in the Treasury. What will Congress do? Will it refuse to appropriate for the agency? No; it will appropriate from the Treasury to carry on the activities, a thing which would not be done if the Indians had funds for administration purposes. So it may be that we are, by the passage of this bill, saddling an unnecessary and unfair expense on the Federal Treasury.

I have read the report, and I note that the Secretary's letter does not say a word as to whether these funds will be necessary for the upkeep of the agency next year. If the bill had come before the Committee on Indian Affairs, that would have been one of the first questions brought out, because the Committee on Indian Affairs has upon it the duty and responsibility of looking after these Indians, providing funds for their administration, which the Committee on the Public Lands has not. I think these bills ought to go to the proper committee. I dislike very much to object to this bill, but I gave notice on the last unanimous-consent day when a bill came in from Montana similar to this that unless the jurisdiction of the committee were more properly observed I should be constrained to object.

Mr. Speaker, on account of the statement made by the gentleman from Washington I am not going to object, but I can not stand here any longer and permit these things to go on in such manner as this, which lets a man in at the back door when he can not get in at the front door. I shall not object this time, but I will give notice that I shall object in the future.

Mr. WALSH. Mr. Speaker, I ask to have the bill reported before unanimous consent for its consideration is given.

The Clerk read as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.," approved March 11, 1918, be, and it is hereby, amended by making the period of extension to be granted by the Secretary of the Interior three years instead of one year, but subject to all other conditions of said resolution.

With a committee amendment striking out all of page 1, after the enacting clause, from lines 3 to 10, inclusive, and inserting in lieu thereof the following:

That the joint resolution entitled "Joint resolution providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.," approved March 11, 1918, be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior is hereby authorized to extend for a period of one year the time for the payment of any annual installment due, or hereafter to become due, of the purchase price for lands sold under the act of Congress approved March 22, 1906 (34 Stat., p. 80), entitled 'An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes,' and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made: *Provided further*, That any and all payments must be made when due unless the entryman applies for an extension and pays interest for one year in advance at 5 per cent per annum upon the amount due, as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof: *And provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, shall forfeit the entry and the same shall be canceled and any and all payments theretofore made shall be forfeited."

Mr. WALSH. Mr. Speaker, reserving the right to object, I desire to get a little further information in respect to this matter, though I dislike to take up the time, for I understand it is an emergency proposition. What is the effect of the proviso beginning in line 15, on page 2, in the committee amendment, that the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made, and what effect has that on the language immediately preceding to the effect that any payment so extended may annually thereafter be extended for a period of one year in the same manner? As I understand it, they can keep extending these payments for one year and indefinitely postpone the time of the last payment.

Mr. SINNOTT. I think the gentleman from Washington [Mr. WEBSTER] is more familiar with this than anyone else.

Mr. MANN of Illinois. They all have to come within the time fixed for the last payment.

Mr. SINNOTT. I understand that to mean that it can not be extended beyond the date of the last payment mentioned in the act.

Mr. WALSH. What does this extension granted in lines 14 and 15 apply to—

And any payment so extended may annually thereafter be extended for a period of one year in the same manner.

Mr. SINNOTT. For one year in the same manner, but in no event longer than the time of the ultimate payment mentioned in the act.

Mr. CARTER. Longer than one year after that.

Mr. SINNOTT. One year after that.

Mr. WALSH. I shall not object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk again reported the resolution with the committee amendment.

The SPEAKER. The question is on the committee amendment.

Mr. CARTER. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 6, after the word "authorized," insert the words "in his discretion."

Mr. SUMMERS of Washington. Mr. Speaker, there is no objection to that.

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the committee amendment as amended.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBSTER, a motion to reconsider the vote by which the resolution was passed was laid on the table.

REFERRING CERTAIN INDIAN CLAIMS IN STATE OF WASHINGTON TO COURT OF CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (S. 157) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

Mr. WALSH. Mr. Speaker, I ask that the bill be reported first.

The SPEAKER. The Clerk will report the bill.

The Clerk reported the bill, as follows:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, of the tribes and bands of Indians, or any of them, with whom any of the treaties of Medicine Creek, dated December 26, 1854; Point Elliott, dated January 22, 1855; Point-no-Point, dated January 26, 1855; the Quin-ai-elts, dated May 8, 1859, growing out of said treaties, or any of them, including claims for allotments of land, or the value thereof, which they failed to receive under any of said treaties; and that all claims of whatever nature, both legal and equitable, which the Muckelshoot, San Juan Island Indians; Nook-Sack Chinook, Upper Chehalis, Lower Chehalis, and Humptulip Tribes or Bands of Indians, or any of them (with whom no treaty has been made), may have against the United States shall be submitted to the Court of Claims, with right of appeal by either party to the Supreme Court of the United States for determination and jurisdiction, both legal and equitable, is hereby conferred upon the Court of Claims to hear and determine any and all suits brought hereunder and to render final judgment therein: *Provided*, That the right of appeal to the Supreme Court of the United States shall not extend to those tribes or bands of Indians, or any of them, with whom no treaty has been made: *Provided further*, That the court shall also consider and determine any legal or equitable defenses, setoffs, or counter claims which the United States may have against any of said tribes, bands, or individual Indians.

SEC. 2. That the Court of Claims shall advance the cause or causes upon its docket for hearing, and shall have authority to determine and adjudge all rights and claims, both legal and equitable, of said Indians, tribes or bands of Indians, or any of them, and of the United States in the premises, notwithstanding lapse of time or statutes of limitation.

SEC. 3. That suit or suits instituted hereunder shall be begun within five years from the date of the passage of this act by such Indians, tribe, tribes, or bands of Indians, as parties plaintiff, and the United States as the party defendant. The petition or petitions may be verified by attorney or attorneys employed by such tribes or Indians upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That the attorney or attorneys of said tribes or bands of Indians, or any of them, shall be selected by the claimant Indian or Indians with the approval of the Secretary of the Interior and the Commissioner of Indian Affairs, and upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes.

With the following committee amendments:

Page 2, line 3, strike out the word "Island" and insert in lieu thereof the word "Islands."

Page 2, line 4, after the word "Nook-Sack" insert the word "Suattle."

Page 2, line 5, strike out the word "Chehalis" and insert the word "Chehalis."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, there seems to be nothing in the report which would indicate the character of any claims which may be made in behalf of these Indians—nothing as to how many claims there are or how many may be involved in the claims. Has the gentleman from Pennsylvania [Mr. KELLY], who made the report, any information on that subject?

Mr. KELLY of Pennsylvania. Mr. Speaker, in response to the gentleman's inquiry, I would say that we did hold a hearing before the Indian Affairs Committee on this Senate bill and went into those matters. The bill provides for adjudicating the claims of certain tribes and bands in the State of Washington, west of the Cascade Mountains, that had entered into treaties with the United States Government, and providing for certain tribes and bands that did not enter into treaties. The original agreement in four different treaties, in 1854, 1855, and 1859, provided for the allotment of lands to these Indians, and the treaties were made on the understanding that each Indian would receive a home. When the final allotment was made the Indians received 7 acres each, not sufficient to provide a home. These Indians ceded lands to the Government which would average 1,800 acres each, and this land was used for homestead purposes and was largely settled by white settlers. The Indians made their claims and the response came that there were no lands for them whatever. They claim now they are entitled to the allotments the treaty agreement contemplated. The tribes and bands which never entered into treaty agreement say that, in all justice, they are entitled to a day in court also. The amount of the claims of those tribes and bands having treaty agreements is estimated at $150,000, and the number of persons involved is 2,400 or thereabout.

Mr. MANN of Illinois. If there are 2,000 persons involved and they are each to have a homestead of 80 acres, it certainly would amount to more than $150,000.

Mr. KELLY of Pennsylvania. I will say that other public lands have been set aside, but no action can be taken until a measure of this kind is passed, as I understand it. Much of this land is timberland. If it were allotted, there is land enough to almost provide the allotment for all the Indians concerned.

Mr. MANN of Illinois. These timberlands are rather valuable.

Mr. KELLY of Pennsylvania. They are; and that is the reason the Government has not made any arrangement for the allotment of the lands. However, the claims of the Indians should be adjudicated on a fair basis, regardless of the timber question involved.

Mr. MANN of Illinois. It may be; I will not say that it is not; I do not know anything about it; but there are very few of these claims that some enterprising attorney has not dug up by this time. The matter has been pending for years and the Department of the Interior does not seem to have very much information about the bill. If they have, they have kept it to themselves.

Mr. KELLY of Pennsylvania. The gentleman will admit that these Indians are entitled to all that the treaties allowed them at the time the Government made its agreement?

Mr. MANN of Illinois. Well, I do not admit that as a matter of right anybody has the right to sue the Government of the United States for both legal and what he may consider equitable claims; far from it. The Government concedes the right now for people to sue where they have legal claims. I suppose these people have no legal claim; I do not know.

Mr. KELLY of Pennsylvania. There are legal claims under treaty stipulations.

Mr. MANN of Illinois. If they are legal claims, that is one thing. But that is not what they seek. They always come in with a provision for the right to sue for what they call equitable claims, and nobody knows what an equitable claim is, and I think that we ought to know something about the character of the claim which we pass by special legislation and submit to the Court of Claims. I do not recall any instance before where we gave a blanket authority to sue the Govern-

ment of the United States in the Court of Claims without information as to the character of the claim and, to some extent at least, the amount which may be involved. Now, the gentleman from Pennsylvania states in his opinion $150,000 may be involved here.

Mr. KELLY of Pennsylvania. That was the estimate before the committee.

Mr. MANN of Illinois. And four treaties may be involved; yet the bill covers a great deal further than that, and it is not confined even to treaties.

Mr. HADLEY. Will the gentleman from Illinois yield?

Mr. MANN of Illinois. Certainly.

Mr. HADLEY. With reference to the estimate stated by the gentleman from Pennsylvania, if the gentleman will refer to the hearings the estimate is that $150,000 will be the aggregate of claims, as nearly as can be ascertained, growing out of the treaties only. However, it will be observed that the bill covers a number of tribes and bands that did not negotiate and were not included under the treaties. Now, apparently no one is able to state with certainty or satisfactory definiteness just what the aggregate of all the claims would amount to, because the department itself upon inquiry has made a statement substantially to that effect, which was in the record at the time of the hearings. Naturally that would be so unless there had been a very full survey in the case of each individual Indian, of whom it appears by the testimony there are 2,000 or more, because it would involve an estimate as to the amount paid and the amount which had been promised and the amount, as the gentleman suggests, which would be equitably due in consideration of depriving the Indians of their homes. The Indians had little homes at the time these treaties were negotiated and cleared up, tracts upon which they raised potatoes and other vegetables. When the white settlers came upon the scene they traded with them and they ceded, as was stated, about 1,800 acres, on the average, to the Government under these treaties with the understanding——

Mr. MANN of Illinois. Did they get paid for it?

Mr. HADLEY. I understand not.

Mr. MANN of Illinois. Upon what did they cede?

Mr. HADLEY. The land.

Mr. MANN of Illinois. I dare say there never was an Indian treaty made yet that did not purport to pay compensation for any land ceded by any Indian of the United States. The gentleman here says that is not in the treaty. I would like to have somebody look up the treaty first.

Mr. HADLEY. The treaty provided for the payment of all improvements, and there were some improvements upon these lands.

Mr. MANN of Illinois. The Government of the United States has never undertaken, as far as I have ever been able to discover, to take lands away from Indians without making any compensation.

Mr. KELLY of Pennsylvania. If the gentleman will read the hearings he will see this answer to his contention. Here is the statement of Mr. Griffin, who represented the Indians.

> Now, at the time these treaties were made the Oregon donation act was in effect. They were then giving to a single white man a half section of land and to a married man and his wife a full section of land in Oregon and Washington Territory, and those Indians ceded an average of 1,800 acres apiece.

Now, I call attention here to the promise of the Government:

> While the Government promised to give them their homes—not directly promising to give them allotments, but saying that the President might, when in his judgment the interests of the Indians would be advanced—they might allot to these Indians in severalty, giving the Indians allotments in accordance with the sixth section of the treaty with the Omahas.

Now, gentlemen, that is the understanding upon which these treaties were entered upon, and that understanding has never been carried out.

Mr. MANN of Illinois. That statement was made by the attorney seeking to prosecute the claim?

Mr. KELLY of Pennsylvania. Yes; and the only definite information, I will say, we were able to secure.

Mr. MANN of Illinois. Well, I know, but that is what I am making inquiry about. The only statement upon which the committee seemed to act was a statement made by the attorney seeking to prosecute the claims against the Government.

Now, it seems to me before we give special rights we ought to have some information concerning the matter. Why, attorneys make all sorts of wild claims, the best of them. The Lord knows what kind of claims some of them do make.

Mr. KELLY of Pennsylvania. The gentleman from Illinois will certainly admit that the Senate committee went into the matter at some length, and that the House committee did also.

Mr. MANN of Illinois. I dare say, without knowing anything about it, that the Senate committee never had a meeting on this bill.

Mr. KELLY of Pennsylvania. Oh, yes. They had a hearing, and the testimony taken in the same was printed.

Mr. MANN of Illinois. The hearing was held by one member of the Senate committee and reported by one member.

Mr. KELLY of Pennsylvania. The gentleman is in error. Both the subcommittee and the full committee considered the measure and reported it favorably.

Mr. MANN of Illinois. If more than two Members of the Senate ever considered the matter, I will withdraw what I have said.

Mr. KELLY of Pennsylvania. Seven Members are shown in the testimony to have taken part in the hearing. This is a technical proposition, and no one claims to understand the details of it. That must be brought out in court. The committee consdered that the matter was important enough to be adjusted in a court of competent jurisdiction, and that is the purpose of the bill, to refer the whole case to the Court of Claims, and let them act on the legal and equitable grounds for the claims. I suggest the word "equitable" be used, because some tribes or bands would not have a strictly legal claim, but they were in the same area as the other Indians, and certainly are entitled to their day in court along with the others.

Mr. WALSH. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield.

Mr. WALSH. When were these treaties made?

Mr. KELLY of Pennsylvania. In 1854, 1855, and 1859.

Mr. WALSH. And some of these gentlemen still living feel that they have been outraged by not having homes provided for them?

Mr. KELLY of Pennsylvania. There are more than 2,000 involved, in tribes and separate bands, in Washington State, west of the Cascades.

Mr. WALSH. Where did they manage to eke out their existence all these many years?

Mr. KELLY of Pennsylvania. They have been having a miserable time, on the whole, because they have not had land on which to raise crops and have been forced to resort to all kinds of makeshifts to provide for their living. And they now ask for the right to take their claims before a court.

Mr. WALSH. Have they had these tracts of 7 acres during all this time, or is that what they seek?

Mr. KELLY of Pennsylvania. That was an allotment to certain Indians, not to all of them. Some of them were left without anything. And, more than that, some of them had little patches where they raised potatoes and other products which they sold to the white settlers. Those were taken away from them, and the Indians were rendered homeless and without protection, even without the cultivated lands of their own on which they had made a living up to that time.

Mr. WALSH. The gentleman makes out a very pitiful case, I admit.

Mr. HADLEY. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield to the gentleman.

Mr. HADLEY. The gentleman from Illinois [Mr. MANN] I believe has the floor.

I remember that the testimony in the hearings before the subcommittee—the subcommittee of the House—showed that in some cases Indian allotments had been made which have been canceled, and the allotments reverted to the Forest Service, and are now in the forest domain. The Indians that had had allotments made to them have no way in which to make claims and no court of competent jurisdiction to which to apply and prosecute such claims. There are a number of those claims, particularly in the case of the Suattle Tribe, testimony concerning which was included in the hearings before the subcommittee. There are a good many cases where timber has been cut from Indian lands, and for which they have no redress against the Government, lands which they thought they had owned, but from which they were afterwards crowded off and had to give up. They had to recede before the white settlers, whether they were under the treaty or not, and, while it is some 60 years, there are some of them that are still living who can testify from knowledge concerning the treaty negotiations, and while these live they ought to have an opportunity to establish before a court of competent jurisdiction a claim, if they have one. If they have not, the Government will not be injured. But I think they ought to have that opportunity.

Mr. MANN of Illinois. Of course, there is no Indian now who remembers any circumstance that occurred in 1854.

Mr. HADLEY. I will state to the gentleman from Illinois that I attended a meeting at which there were many of these Indians present who discussed their cases. I introduced a companion bill to this in the House, and I am somewhat familiar with the subject. The senior Senator from my State was also present at this meeting, and at that time there were two Indians present, very old ones, concerning whom it was

stated they were present at the time of the negotiation of one of the treaties mentioned in this bill.

Mr. MANN of Illinois. What is the use of saying you are going to decide legal rights by the recollection of a man who was a 10-year-old boy 70 years ago? The gentleman says 60, but it is 70, or it is nearer 70 than it is 60.

Mr. HADLEY. The gentleman undoubtedly has had experience in the trial of cases where men testified of their recollection of matters that occurred when they were 10 or 20 years of age.

Mr. MANN of Illinois. Nobody pays any attention to the recollection of what a 10-year-old boy remembers 60 or 70 years after the occurrence about a legal matter.

Mr. HADLEY. I desire to say that the Indians of whom I spoke were at least 20 years of age, or perhaps older than that, at the time of the negotiation of the treaty. They were quite old, it is true, but seemed to be quite in possession of their natural powers.

Mr. MANN of Illinois. Here is the situation: White settlers got the Government to make a treaty with the Indians. And usually the Government is very fair. The white settlers grabbed the land under the treaty which the Government is supposed to pay for in some way, and then after awhile the Indians living in the same community want to have a claim against the Government, and both unite in an effort to raid the Federal Treasury. The Government has made nothing out of it.

Mr. KELLY of Pennsylvania. The gentleman does not contend that those who were unjustly treated under the treaty have not a right to present their claims?

Mr. MANN of Illinois. Well, I do not have very much faith in claims of ill treatment now that was had 60 or 70 years ago, when no one knows what constitutes them and which claims have never been presented to anybody. Usually those things result from a vivid imagination as to what took place and what people now think ought to have taken place. These claims are 60 or 70 years old and never were presented, and there is not very much to them.

Mr. KELLY of Pennsylvania. The gentleman knows they could not have been presented. The only place to present them is to Congress.

Mr. MANN of Illinois. Oh, no. The gentleman is mistaken. We have any number of claims presented here that have been presented to the Department of the Interior, that have been argued and pushed and urged and presented to committees of Congress in the same way for many years past. Here is a claim in no way defined. It lets half a dozen tribes of Indians bring any suit they please against the United States upon what they say is an equitable claim. I think we ought to have more information. I do not know whether they ought to have the right to bring a suit or not.

Mr. WALSH. Is the gentleman referring to the vivid imagination of the Indian or of the attorney who represents him?

Mr. MANN of Illinois. I refer to the vivid imagination of anybody at 80 years of age who undertakes to tell what a legal proposition was when he was 10 years old.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. RHODES. I would like to inquire of the gentleman from Washington [Mr. HADLEY] how it came about that so small a homestead as 7 acres was allotted, as seems to have been done in this case? I never heard of an allotment for homestead purposes of so small an amount of land as 7 acres to any person. I would like to know how it came about in this case.

Mr. HADLEY. The gentleman from Pennsylvania [Mr. KELLY] has the hearings in his hand and he may be able to answer that question by reference to them.

Mr. KELLY of Pennsylvania. Gov. Stevens, who made the five treaties, promised to these Indians sufficient land for a home; but when the allotment was finally made there was not enough land for all the Indians at that time, but only enough land to give them 7.05 acres apiece, which, as the gentleman knows, is not sufficient ground for a farm home. That is all they were able to allot at that time. Since that time a certain tract has been set aside which would enable the Indians to have the 80 acres provided for in the Omaha treaty if we can get the adjudication in the courts.

Mr. MANN of Illinois. The gentleman from Pennsylvania says he understands that these Indians gave up 1,800 acres apiece, but there was not land to give them more than 7 acres apiece. The question is, What became of the 1,793 acres? It has not been settled upon. A large share of it is not settled on yet. Much less was settled upon when the allotment was made immediately following the treaty.

Mr. KELLY of Pennsylvania. When this allotment was made the Indians were to have 80 acres apiece. Finally, they got only 7 acres, but were again promised that they would receive what had been promised under the treaty.

Mr. MANN of Illinois. The promise may have been made, but there was no promise made in the treaty. I have a good deal of confidence in the judgment of the gentleman from Pennsylvania, who has not had quite as much experience about Indian claims as I have, and I wish he would take this bill back and reconsider the subject and find out what these claims are. If we knew what we were doing, I do not know that I would have any objection, but really I do not like legislating in the dark, as we are doing here.

Mr. KELLY of Pennsylvania. I will say to the gentleman that I am in agreement with him on many of these Indian claim bills, and I have objected to several of them and prevented their consideration by unanimous consent. I do think this is a little different from some of those with which the Indian Committee has dealt at different times. It appears, as the gentleman from Massachusetts [Mr. WALSH] describes it, a pitiful case, and it seems to me advisable that action should be taken at this time. Of course, if the gentleman objects, the Indian Committee will endeavor to go further into this matter.

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. PARRISH. I would like to ask a question for information. I notice in the bill that you are offering—Senate bill 157—you provide that they shall bring their suits in the Court of Claims within five years from the date of the passage of this act.

Mr. KELLY of Pennsylvania. That amendment was put in at the recommendation of the Secretary of the Interior, I will say to the gentleman.

Mr. PARRISH. That bill, I notice, is reported favorably by the Committee on Indian Affairs.

Mr. KELLY of Pennsylvania. Yes; by the House committee.

Mr. PARRISH. I notice that the bill H. R. 10105 contains this proviso:

Provided, That suits be instituted within three years from the date of this act.

The original provision was five years. The committee amended it and made it three years. Why did the Committee on Indian Affairs make it five years in one case and three years in another?

Mr. KELLY of Pennsylvania. The reason was that this bill deals with a number of bands and tribes of Indians, 71 in all, who speak different languages. They have a kind of dialect of some 80 varieties up there, and as a result it has been very difficult to get at the facts which the gentleman from Illinois [Mr. MANN] is anxious to have. Therefore it was thought best to have a longer period in which these claims should be filed than in a case where a certain tribe forming one homogeneous whole was concerned and where the same language was spoken by all.

Mr. PARRISH. I will say that these claims appear to be rather old, and there ought to be some arrangement by which they would be forced to submit them to the Court of Claims, the same as in the other bill.

Mr. KELLY of Pennsylvania. This bill twice passed the Senate. Protection is provided for the Government, because it provides that the court shall consider and determine any legal and equitable defenses, set-offs, and counterclaims. The gentleman from Illinois knows that that is not exactly the same language used in other bills. In some cases it is provided that gratuities be considered. It is fair, in the judgment of the Senate Committee and the House Committee on Indian Affairs, and is brought here with the idea that it is a just measure, which will give these Indians a square deal—nothing more and nothing less.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The Clerk will report the next bill.

CLAIMS OF CHOCTAW, CHICKASAW, CHEROKEE, CREEK, AND SEMINOLE INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10105) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I ask that the bill be reported.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, examine, consider, and adjudicate any and all claims arising under or growing out of any treaty stipulation or

agreement of the United States with the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian Nations or Tribes, or any act of Congress, or of the executive departments, affecting their property, lands, or funds, which said Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian Nations or Tribes, or any band or organized group of Cherokee Indians or enrolled individual Indian members of aforesaid Indian nations, or their heirs, may have against the United States, and which claims have not heretofore been determined or adjudicated: *Provided*, That said Court of Claims shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations or tribes, bands, groups, or individual claimants: *Provided further*, That the suits be instituted within five years from date of approval of this act: *Provided also*, That from decisions of the Court of Claims in said suits appeals may be taken as in other cases to the Supreme Court of the United States.

The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suits any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

The claim or claims of each of said Indian nations, tribes, bands, groups, or individual Indians, as the case may be, shall be presented separately or jointly by petition in the Court of Claims, and such action shall make the petitioner party plaintiff or plaintiffs and the United States party defendant. Such petition on the part of any such nation or tribe shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract or contracts with the principal chief or governor of the nation or tribe interested and approved by the Secretary of the Interior, and on the part of any band, group, or individual Indians by the attorney or attorneys employed by them, with the approval of the Secretary of the Interior.

A copy of the petition shall in each case be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice, to be designated by him, is hereby directed to appear and defend the interests of the United States in said cases.

Any payment heretofore made by the United States on account of any claim sued upon may be pleaded as a set-off to any such claim, but may not be pleaded as an estoppel.

Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed in the Court of Claims within five years from the date of approval of this act, as provided herein. Upon the final determination of any suit or action instituted under this act the Court of Claims shall decree such amount or amounts as it shall find reasonable to pay the attorney or attorneys employed therein by any of the above-named Indian nations, tribes, bands, or groups, or individual Indians for their services and expenses, and in no case shall the aggregate amounts decreed by said Court of Claims be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 15 per cent of the amount of recovery against the United States.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I should like to ask somebody interested in the measure to give me some idea of how much money is involved in this legislation if it becomes a law. I understand these tribes are not very well fixed financially. I assume that some of these claims may involve considerable sums of money.

Mr. HASTINGS. If the gentleman from Massachusetts will permit me, I will take time enough to make a very brief statement.

Mr. WALSH. I wish the gentleman would do that.

Mr. HASTINGS. When this bill was first introduced, some two years ago, it provided only that the Cherokees might bring suit. The reason for that was that the affairs of the Cherokee Tribe were completely wound up. Their rolls were completed, their lands allotted, their moneys individualized, and all paid out. They stood in the relation to the Government of a ward to his guardian after the ward becomes of age. When the ward arrives at his legal majority, in every State of the Union, so far as I know, he has a right to inspect the final report of the guardian and to file any protest against any item that the court allows the guardian, and to have that heard before the court, with the right of appeal to some other court. That was the position that the Cherokees were in. As I have stated, their affairs have been wound up. In 1898 you passed what was known as the Curtis bill. You took charge of their lands and moneys—all of their funds. You paid them out of your Treasury. What we want to do is, now that their affairs are wound up, now that the tribe is about ready to go out of existence, now that the minor is of age, we want to inspect the books of the Government of the United States. We want to examine the report of our guardian and see if there is anything we want to object to, and we want the right to go into your courts and present any objection, with the right of appeal to the Supreme Court of the United States.

This bill did not pass last year. There came a new session of Congress. In the meantime legislation had been passed here winding up the affairs of the Creeks and the Seminoles. The gentleman may not be so familiar with it, but there is a clause in the Indian appropriation bill of last year providing for the winding up of the affairs of those tribes. The Creeks and Seminoles were added to the bill so as not to make "two bites of a cherry."

When the bill was referred to the Interior Department for a report the department thought that, inasmuch as the affairs of the Choctaws and Chickasaws were going to be wound up shortly, they ought to be added, and a new bill was introduced to cover them. That is the reason why this legislation has been introduced.

I can not tell the gentleman how much may be involved or how much these Indians may think the Government of the United States owes them or how many mistakes have been made, or whether any mistakes have been made. I am sorry that I can not be any more definite. But now that the affairs of these tribes are in course of being wound up, they feel that they ought to have the right to go into your own courts, and, in the event that they find that any errors have been made or that you owe them any money, that the matters may be settled definitely and finally, once and for all. That is shown in the letter by the department to Senator OWEN, which is embodied in this report, found on page 3. I should like to read to the gentleman just two paragraphs from it, although the letter is accessible to anybody who wants to read it in full.

Claims of Indian tribes against the United States are constantly being brought to my attention by not only the Indians interested but by requests for reports on bills in Congress providing for submission of the claim of some particular tribe to the Court of Claims for adjudication.

If the Cherokee, Creek, or Seminole Indian Nations, or tribes, or any recognized band or group thereof, or any individual Indian, believe they have, under treaty stipulations or agreements of the United States with said Indian nations or tribes, or under acts of Congress relating to Indian affairs, any valid claims against the United States, it seems to me that it would be no more than just that such claims should be referred to the Court of Claims to be heard and adjudicated.

It is quite evident that the Indians will not be satisfied until they have their day in court, and the constant agitation of these claims is a bar to the satisfactory administration and final settlement of Indian affairs.

Without passing upon the merit of the various claims, I see no objection to conferring jurisdiction upon the Court of Claims to hear and determine any claims which the Cherokee, Creek, or Seminole Indians may have against the United States under treaty stipulations or act of Congress relating to Indian affairs.

Now, with reference to this particular bill: After it was introduced and referred to the department for a report the department recommended certain amendments, and you will see that all of those amendments were adopted by the committee. Every amendment that was suggested by the Interior Department was in the nature of a protection to the Government, and every amendment was adopted by the Committee on Indian Affairs and is embodied in this bill.

Mr. WALSH. Will the gentleman state what the department means by saying that the lack of this legislation interferes with the administration of the business of the Bureau of Indian Affairs?

Mr. HASTINGS. The department unquestionably means that the representations by the Indians that the department was in error in allowing this amount or that amount, or any amount, take up more or less time of the department, and that it would be better to refer all of these matters to a court to which the Indians could go and where the Government itself would be represented by the Attorney General, with the right of appeal, so that these matters could all be settled once and for all.

Mr. WALSH. The gentleman states that the affairs of several of these tribes are about being wound up. The effect of this legislation would be to keep those affairs from being wound up, would it not?

Mr. HASTINGS. No; this will be like going into court and examining the final report of a guardian.

Mr. WALSH. There could not be any final report——

Mr. HASTINGS. If the final report is O. K'd, then that ends it.

Mr. WALSH. But if it is not O. K'd, then what?

Mr. HASTINGS. Then, if the Government of the United States, through its own court, says that report ought not to be O. K'd, that the Government is in error, that it owes these Indians certain amounts, and if the court gives judgment against the Government, does not the gentleman from Massachusetts believe that in equity and good conscience the Government ought to pay those amounts to the Indians?

Mr. WALSH. No; I do not believe that at all.

Mr. HASTINGS. On the other hand, if in the administration of Indian affairs the Government through its officers violated treaty provisions, paid out money it was not entitled to pay out, the Indians protesting against it, powerless to resist it, the gentleman does not believe that the Indians ought to have the right to go into your own court and have their matters decided by a court of competent jurisdiction?

Mr. WALSH. Oh, I have not said that.

Mr. MANN of Illinois. If the gentleman will yield I would like to ask where are these Indians located?

Mr. HASTINGS. The gentleman from Illinois knows as well as I do that they are located in the State of Oklahoma.

Mr. MANN of Illinois. I am under the impression that some are located in Florida and some in Mississippi.

Mr. HASTINGS. The gentleman is in error about that.

Mr. MANN of Illinois. In what respect—where is there any limitation?

Mr. HASTINGS. This confines them to the enrolled members of these tribes, and therefore they would have to be in Oklahoma. We were very careful to see that that provision was in there. I will call the gentleman's attention to the exact language if he wishes.

Mr. MANN of Illinois. Well, let us see about that. It provides:

That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, examine, consider, and adjudicate any and all claims arising under or growing out of any treaty stipulation or agreement of the United States with the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian Nations or Tribes, or any act of Congress, in relation to Indian affairs, which said Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian Nations or Tribes, or any band or organized group of Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indians or enrolled individual Indian members of aforesaid Indian nations, or their heirs, may have against the United States and which claims have not heretofore been determined or adjudicated.

Now, there are a lot of Indians in Mississippi who are Choctaws or Cherokees——

Mr. HASTINGS. Choctaws.

Mr. MANN of Illinois. Who have been making a bitter fight in Congress for many years to get from the Choctaws of Oklahoma a part of the land which was conveyed to the Oklahoma Choctaws. I do not see why this bill does not confer upon the Choctaws of Mississippi the right to sue the Government of the United States and set up the claim that the Government conveyed to the Choctaws of Oklahoma money or land which they contend did belong to them, and that now the Government should reimburse them, notwithstanding the Government paid out the money.

Mr. HASTINGS. I feel sure that that construction could not be placed on the language in the bill.

Mr. MANN of Illinois. I am sure that that construction would be placed on the language in the bill.

Mr. HASTINGS. I am satisfied that the gentleman is mistaken. It refers to the Choctaws, Chickasaws, Cherokees, Creeks, or Seminole Indians, or enrolled individual Indian members of the aforesaid nations, which means a subdivision of these tribes. You have five tribes in Oklahoma. It refers to the tribes as a whole or a group or part of them.

We are willing to accept any kind of an amendment that will make that clear because no man on the Indian Committee or interested in the bill ever had the slightest thought that the language would permit Indians outside of Oklahoma to come in under this bill. We say the five tribes in Oklahoma, naming them, or a part of the tribes, and these Choctaws in Mississippi not being a part of the tribe, they could not come in. It could not include the Choctaws or Chickasaws or Cherokees outside of Oklahoma. We guarded, as we thought, in this language so that they could not bring that suit.

Mr. MANN of Illinois. I do not think the committee ever thought about this proposition, so it takes my friend from Oklahoma by surprise.

Mr. HASTINGS. I beg the gentleman's pardon, but the gentleman is mistaken. He has not taken me by surprise; we thought about that and discussed it. As a matter of fact, I will say to the gentleman that my colleague from Oklahoma [Mr. CARTER] took the bill up with me, and we especially discussed it with this particular thing in view before this was reported to the House.

Mr. MANN of Illinois. I have the highest respect for the two gentlemen from Oklahoma, but after the gentleman's statement I have a little less respect for their judgment than I had before.

Mr. HASTINGS. I am very sorry for that.

Mr. MANN of Illinois. Because the first description in here is merely a description of the Indian tribes which made the treaty, that is all. It provides for claims arising or growing out of any treaty stipulation or agreement with the United States with the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian tribes. There is no question but that the treaty which was made in Mississippi was a treaty which covered all the Choctaw Indians. That is only a description of the character of the treaty. Now, you bring in a bill which says "or any band or organized group of Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indians, or enrolled individual Indian members of the aforesaid Indian nations or their heirs," and so forth, may bring suit.

Mr. HASTINGS. Of the five tribes.

Mr. MANN of Illinois. It does not say anything about the five tribes. It does not say anything about Oklahoma. It does not say that this band or organization or group shall have an existing organization. Under this provision of the bill the Mississippi Choctaws, the Florida Seminoles, the Louisiana Cherokees can all bring suit against the Government and could claim that they were not enrolled, and the Government has to defend that suit, and, if it could not defend it successfully, under the treaty they would have to pay them, although they have paid somebody else the money. I think the bill ought to go over.

Mr. HASTINGS. I am perfectly willing to have the language stricken out and accept any amendment to make it absolutely clear that only organized groups or bands who are members of the tribe in Oklahoma. That was the intention of the committee, and that is the construction that we placed upon it. I contend that is the only legitimate construction that can be placed upon it, because those groups or bands must be part of the whole that is described in this bill.

Mr. MANN of Illinois. Here is a further proposition, to let any member of these tribes in Oklahoma bring suit against the Government—any member. That is opening the door pretty wide. Nobody knows what suits may be brought up. You could bring a suit against the Government because a man lost his leg, though torts are barred here, and the ordinary individual can not bring suit against the Government for any such things. This would permit these Indians to bring suits against the Government for a tort.

Mr. HASTINGS. I think the construction of the language in relation to Indian affairs as to which suit may be brought would limit it to that. Of course, you could not bring a suit for individual damages such as the gentleman describes.

Mr. MANN of Illinois. Why not?

Mr. HASTINGS. Because it is not permitted under the terms of the bill, as the gentleman will see if he reads it closely. They must be suits growing out of matters in relation with Indian affairs.

Mr. MANN of Illinois. The gentleman may be right about that.

Mr. HASTINGS. And with reference to the former objection, it is specifically understood that no Indian who is not a member of the five tribes, or any group that is not a part of the five tribes, can not bring these suits.

Mr. MANN of Illinois. They have as much right to bring suit against the Government as members of these tribes have. They were just as much the wards of the Government at one time as the Oklahoma Indians were, and more so.

Mr. HASTINGS. Yes; but their wardship ceased 50 or 60 years ago.

Mr. MANN of Illinois. Oh, we are just appropriating money on the ground that we are still their guardians.

Mr. HASTINGS. Oh, that is a pure gratuity.

Mr. MANN of Illinois. And it came from the Committee on Indian Affairs.

Mr. HASTINGS. It is a pure gratuity.

Mr. MANN of Illinois. Gratuity nothing! Why do you grant a gratuity? Because of some obligation that you assume. We now propose to build schoolhouses and drag them out of the public schools of Mississippi which they are now attending with success, where they want to go—for I have heard from a number of them on the subject—and force them to go into some public school run by the Indian Bureau, where they do not want to go. I think I shall ask to have this bill go over.

Mr. HASTINGS. Mr. Speaker, would the gentleman have any objection to letting it go over without prejudice.

Mr. MANN of Illinois. Oh, I have never any objection to a bill remaining on the calendar.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

TRANSFER OF SURPLUS MOTOR-PROPELLED VEHICLES.

Mr. MCKENZIE. Mr. Speaker, I move to suspend the rules and pass the bill S. 3037, with an amendment, striking out all after the enacting clause and inserting in lieu thereof the following, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass with an amendment the Senate bill 3037, which the Clerk will report.

Mr. WALSH. Mr. Speaker, I think we would better have a quorum here if we are going to pass bills by suspension of the rules. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not.

Mr. MANN of Illinois. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Dent	Kleczka	Reavis
Anthony	Dooling	Knutson	Riordan
Bacharach	Dyer	Kreider	Rowan
Barkley	Eagan	Langley	Rowe
Blackmon	Edmonds	Larsen	Sanders, N. Y.
Booher	Elliott	Lazaro	Saunders, Va.
Brand	Esch	Lesher	Schall
Britten	Ferris	McClintic	Scully
Brumbaugh	Fields	McGlennon	Sears
Burke	Focht	McKiniry	Siegel
Butler	Fordney	McKinley	Sims
Caldwell	Fuller, Mass.	McLane	Smith, N. Y.
Campbell, Kans.	Gallagher	MacGregor	Snyder
Campbell, Pa.	Ganly	Maher	Stevenson
Cannon	Garland	Mann, S. C.	Sullivan
Caraway	Garrett	Martin	Taylor, Ark.
Carew	Goldfogle	Mead	Towner
Clark, Fla.	Gould	Minahan, N. J.	Vare
Clark, Mo.	Graham, Pa.	Moore, Va.	Vinson
Cleary	Hamill	Mott	Walters
Cooper	Hamilton	Neely	Ward
Copley	Haugen	Nicholls, S. C.	Watkins
Costello	Hill	O'Connell	Watson
Crago	Hutchinson	Parker	Whaley
Cramton	Johnson, Wash.	Pell	Williams
Cullen	Johnston, N. Y.	Porter	Wilson, Ill.
Curry, Calif.	Juul	Pou	Winslow
Darrow	Kennedy, Iowa	Radcliffe	Wright
Davey	Kennedy, R. I.	Rainey, Ala.	
Dempsey	Kettner	Rainey, H. T.	

The SPEAKER. On this vote 313 Members have answered to their names; a quorum is present.

Mr. MANN of Illinois. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Illinois [Mr. McKENZIE] has moved to suspend the rules and pass a Senate bill with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. McKENZIE moves to suspend the rules and pass the bill S. 3037, with an amendment striking out all after the enacting clause of the Senate bill and inserting in lieu thereof the following:

"That the Secretary of War be, and he is hereby, authorized and directed to transfer such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes, to (a) the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the act approved February 28, 1919, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes': *Provided, however,* That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in this act, shall be transferred to the Department of Agriculture for the purposes named in section 7 of said act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer; (b) the Post Office Department for use in the transmission of mails; and (c) the Treasury Department, for the use of the Public Health Service under the provisions of section 3 of the act approved March 3, 1919, entitled 'An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines.'

"SEC. 2. That the Secretary of War is hereby authorized and directed to transfer to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes,' for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit, road rollers, graders, and oilers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon leaders; blasting machines; hoisting cable; air hose; corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated bridge materials; industrial railway equipment; conveyors, gravity and power; donkey engines; corrugated-metal roofing; steel and iron pipe; wagons and similar equipment and supplies such as are used directly for road-building purposes.

"SEC. 3. That the Secretary of War is also hereby authorized and directed to transfer to the Department of Agriculture, for the use of the Forest Service, such telephone supplies pertaining to the Military Establishment which have been found to be surplus and no longer required for military purposes and are needed for the present use of the said service.

"SEC. 4. That freight charges incurred in the transfer of the property, provided for in this act shall not be defrayed by the War Department, and if the War Department shall load any of said property for shipment the expense of said loading shall be reimbursed the War Department by the department to which the property is transferred by an adjustment of the appropriations of the two departments: *Provided, however,* That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, pay to the Department of Agriculture the amount of 20 per cent of the estimated value of said property, as fixed by the Secretary of Agriculture or under his direction, against which sum the said State may set off all freight charges paid by it on the shipment of said property, not to exceed, however, said 20 per cent.

"SEC. 5. That the title to said vehicles and equipment shall be and remain vested in the State for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to the same transferred to any individual, company, or corporation.

"SEC. 6. That the provisions of the act of July 16, 1914 (38 Stat., p. 454), prohibiting the expenditure of appropriations by any of the executive departments or other Government establishments for the maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles in the absence of specific statutory authority, shall not apply to vehicles transferred, or hereafter to be transferred, by the Secretary of War to the Department of Agriculture for the use of the department under the provisions of this act, or under the provisions of section 7 of the act of February 28, 1919, referred to in section 1 hereof: *Provided, however,* That nothing in this act contained shall be held or construed to modify, amend, or repeal the provisions of the last proviso under the item entitled 'Contingencies of the Army,' as contained in the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes,' approved July 11, 1919, except as to direction for the transfer of those articles enumerated in section 2 hereof."

Also by amending the title to read as follows:

"An act to authorize the Secretary of War to transfer certain surplus motor-propelled vehicles and motor equipment and road-making material to various services and departments of the Government, and for the use of the States."

The SPEAKER. Is a second demanded?

Mr. HARRISON. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Virginia demands a second.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is entitled to 20 minutes and the gentleman from Virginia is entitled to 20 minutes.

Mr. McKENZIE. Mr. Speaker, I shall only detain the House for a few moments. The first attempt to distribute the surplus automobiles in the hands of the War Department was made in the Post Office appropriation bill making appropriations for the year 1920. A little later that provision was modified by a section in the sundry civil bill and later on another modification was inserted in the military appropriation bill for the same year. These three provisions all being in the law led to great confusion. The department heads finally called upon the Judge Advocate General for an opinion. He rendered an opinion which was not very satisfactory, so they called upon the Attorney General of the United States for an opinion. He rendered an opinion, both of which opinions are found in the report upon this bill. Now, Mr. Speaker and gentlemen of the House, this bill is an attempt after many months of argument to harmonize the various provisions of law and make it possible for the War Department to turn over to the Department of Agriculture the thousands of dollars worth of surplus roadmaking material now on hand and to enable the Secretary of Agriculture to distribute that surplus to the various States under the provisions of the law enacted some years ago governing the building of highways in the various States.

Mr. LANHAM. Will the gentleman yield?

Mr. McKENZIE. I do.

Mr. LANHAM. I understand the present provision of law permits the use of these trucks and other road-making vehicles only on roads on which Federal aid is given. Now, under the provisions of this law when these vehicles are distributed to the States can they be used for general road-making purposes whether Federal aid is being given for the project or not?

Mr. McKENZIE. It is understood by Members of the committee that when the machines are turned over to the States the title vests in the States, and they will have absolute control over these various machines without interference on the part of the Federal Government.

Mr. LANHAM. And they can be used upon roads that even are not being contributed to by Federal aid in their construction?

Mr. McKENZIE. I would assume so.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. NEWTON of Minnesota. As I understand it these different articles, the property of the Government, are eventually turned over to the States and become the property of the States. Now, do the States pay anything to the Federal Government at all for the property?

Mr. McKENZIE. I was just coming to that.

Mr. NEWTON of Minnesota. If the gentleman will kindly explain.

Mr. McKENZIE. If the gentleman will permit, section 4 of this bill provides that the respective States shall pay to the Secretary of Agriculture 20 per cent of the estimated value of the various articles turned over to the States as estimated under the direction of the Secretary of Agriculture.

Mr. BEE. Will the gentleman yield?

Mr. McKENZIE. But the States have the right of setting off against the 20 per cent whatever freight charges they may have to pay in having these articles delivered, inasmuch as it is provided in the bill that the War Department shall not be responsible for the payment of freight.

Mr. BEE. Will the gentleman yield for a question?

Mr. McKENZIE. Yes.

Mr. BEE. I do not want to interrupt the gentleman if he has a general statement to make in connection with the subject——

Mr. McKENZIE. No; go right ahead.

Mr. BEE. As I understand the Senate has passed this bill?

Mr. McKENZIE. The Senate has passed a certain bill.

Mr. BEE. And now the House is substituting everything after the enacting clause?

Mr. McKENZIE. Yes.

Mr. BEE. Now, would it disturb the gentleman's argument very briefly to state the difference between the Senate and the House bill, in order that Members may understand?

Mr. McKENZIE. I will say to the gentleman from Texas that perhaps the most important difference between the two bills is section 4 of the House bill, which provides for the payment of 20 per cent of the estimated value by the States to the Federal Government and which the Committee on Military Affairs of the House deemed was but just and equitable to the Federal Government and also to the respective States.

Mr. SNELL. Will the gentleman yield for a question?

Mr. MANN of Illinois. Will the gentleman yield?

Mr. McKENZIE. I yield to my colleague.

Mr. MANN of Illinois. As I understand, the motion now is to pass the Senate bill, inserting in lieu of the provisions of the Senate bill the language of the bill H. R. 12507, reported from the Committee on Military Affairs on February 14? Is that correct?

Mr. McKENZIE. That is correct; and the purpose of that is to expedite the enactment of the law.

Mr. MANN of Illinois. But the amendment offered is an amendment which has been reported unanimously as a separate bill by the Committee on Military Affairs?

Mr. McKENZIE. Yes, sir.

Mr. SNELL. What is the reason for deducting the freight without pay to the Federal Government?

Mr. McKENZIE. The purpose of that is this, that the Federal Government will load it and consign it to the various points of shipment. When the freight arrives at the point of consignment the authorities in that particular State will pay the freight. If there is any surplus left after the freight is paid that will be forwarded to the Secretary of Agriculture.

Mr. SNELL. They only pay 20 per cent of the estimated value. Why should they not pay that to the Federal Government when it is loaded on the cars?

Mr. McKENZIE. I will state to the gentleman that I do not care to go into a discussion with him on that point, because I think we might agree.

Mr. MONDELL. Is not this true, that the provision relative to the payment of freight is a provision that equalizes the cost? For instance, the State of South Carolina in obtaining a large amount of material within its borders would get it absolutely free unless there were a charge. The State of New York, getting that same material, would pay 20 per cent and a freight charge that would probably be more than 20 per cent. So New York in that case would be paying twice as much as the State of South Carolina.

Mr. SNELL. I will say to the gentleman we will be perfectly willing to do that.

Mr. MONDELL. But why should there not be an equitable provision here?

Mr. SNELL. An equitable provision would be for every State to pay exactly the same thing.

Mr. MONDELL. If the gentleman will allow me, when the bill was reported the State paid nothing. Now, out of this the State pays 20 per cent. It would not be fair to make a charge of 20 per cent and then say that California, shipping stuff from Camp Devens, in Massachusetts, should pay 20 per cent and then pay the freight across the continent.

Mr. SNELL. Did you ever hear of any such provision as that before as to any kind of goods?

Mr. MONDELL. This is a matter of equity, anyway.

Mr. SNELL. There is no equity at all.

Mr. MANN of Illinois. Is it not caused by the fact that this material is mostly at the extreme eastern portion of the country on account of the war, and if it is to be a gift, and in a way it is a gift, it ought to be on even terms, and not give the State of New York the benefit of paying nothing but the 20 per cent and then California have to pay 20 per cent and the freight for transporting it to California?

Mr. McKENZIE. My colleague has the right idea.

Mr. GOODYKOONTZ. Will the gentleman from Illinois yield?

Mr. McKENZIE. I will.

Mr. GOODYKOONTZ. I want to inquire of the gentleman from Illinois if the committee has taken into consideration this fact, that in certain States of the United States the legislature meets only once in two years, and some of them have a budget system? The fact is that many of them do not have a surplus from which they could pay the 20 per cent. For instance, in West Virginia we are bound hand and foot by a budget system, and we have either got to wait until January of next year or else call a special session of the legislature, that will cost $60,000, so as to avail ourselves of the benefit of the provisions of this act.

Mr. McKENZIE. In reply to the gentleman from West Virginia, I will say to him that the Committee on Military Affairs gave full and thorough consideration to the very question he is now raising, and we wondered if there was any State in the Union that did not have a contingent fund from which they could take enough of money to pay such freight, how they ever build any roads in that State. If they have no road fund in the State of West Virginia, it is about time they were getting it, and I say that with all due respect. I want to say, further, that we felt perhaps there might be a State that was so handicapped, but that, even so, there would be some patriotic citizen in the State, some banker, some man who had a little money, who would come forward and give his State credit under such circumstances, and, therefore, we did not feel it was proper to make any exception to the law, for the reason stated.

Mr. GOODYKOONTZ. Just one other question. It seems to me like taking the money out of one pocket and putting it into another.

Mr. McKENZIE. That is true.

Mr. GOODYKOONTZ. Why should you impose the 20 per cent liability on a State when that State under its constitution and laws does not happen to have on hand any fund applicable for any such purpose?

Mr. McKENZIE. I will state to the gentleman that it may work a hardship here and there, but there would be some one who would certainly come forward, as I have stated.

Mr. BEE. Does the gentleman from Illinois think that all the States in the Union ought to wait because one State in the Union has not a contingent fund on hand to take advantage of this proposition? That is the proposition of the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. McKENZIE. I certainly do not.

Mr. LONGWORTH. Will the gentleman from Illinois yield?

Mr. McKENZIE. I will.

Mr. LONGWORTH. I would like to ask the gentleman what authority under existing law the War Department has for the disposition of this so-called surplus material? I will put it in another way. The department now has the right to sell such material as is declared to be surplus. Can it sell at less than an appraised price? Is the authority unlimited?

Mr. McKENZIE. I will say to the gentleman from Ohio that he will probably remember we appointed a director of sales, a gentleman from Philadelphia, who has charge of the sale of surplus material in the War Department; and what other authority there is, except the authority in the sundry civil bill, I do not know.

Mr. LONGWORTH. Now, what I am trying to get at is, how far is that authority limited? Is the Secretary authorized to sell any surplus at any price he sees fit?

Mr. McKENZIE. I do not know as I can answer the gentleman truthfully on that. But, judging from what has happened in the past, I will assume that he is correct in his assumption that they have the power to sell at whatever price they may determine upon.

Mr. LONGWORTH. Then, if that is true, is there any necessity for this legislation?

Mr. McKENZIE. I think so.

Mr. LONGWORTH. It provides he may sell at 20 per cent of some appraised price; but if he has unlimited authority to sell, why could he not sell now at that price?

Mr. McKENZIE. I will say to the gentleman from Ohio that it is not the amount of money by the sale of this property that we are so much interested in as in the distribution of it throughout the various States of the Union.

Mr. LITTLE. Now, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. LITTLE. I want to ask the gentleman a question. First, let me suggest that a State can not expect to get this stuff unless it has money enough to pay the freight. If it has that, it can take care of the other. In some States the 20 per cent will not pay the freight, which it is really intended to equalize. Now, I would like to know where the bulk of this material is located and about how long after the bill becomes a law it will be available to the States.

Mr. McKENZIE. I can not tell the gentleman where the bulk of it is located, but I am inclined to think if he will go into any camp in the United States where they have put up three huts he will find road-making machinery there—machinery to build roads.

Mr. LITTLE. How soon will it be available?

Mr. McKENZIE. Mr. Speaker, how much time have I used?

The SPEAKER. Fifteen minutes.

Mr. LITTLE. Will it be available immediately? Will the gentleman answer that question?

Mr. McKENZIE. Yes. Now, Mr. Speaker, I yield one minute to the gentleman from Wyoming.

The SPEAKER. The gentleman from Wyoming is recognized for one minute.

Mr. MONDELL. Mr. Speaker, the only important change in this bill as now proposed from the bill reported sometime ago is a charge of 20 per cent to the States and a provision for an offset of the freight paid, not to exceed 20 per cent. The charge of 20 per cent is very important, in order to discourage States in the vicinity of this material from acquiring material that they do not greatly need because they can get it for nothing.

The offset of the freight charge is provided because that makes the distribution more equitable. To a certain extent it equalizes the cost to the States far from the localities where this material is stored with the cost to the States in the immediate vicinity of the same.

Mr. McKENZIE. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman from Virginia [Mr. HARRISON] is recognized for 20 minutes.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

The SPEAKER. The gentleman from Mississippi is recognized for five minutes.

Mr. CANDLER. Mr. Speaker, I thank the gentleman from Virginia [Mr. HARRISON] for his kindness. I am glad this bill is up for consideration, and I sincerely hope it will secure the unanimous vote of the House.

As to the provision for 20 per cent of the value to be paid by the several States to be set off with the freight charges to which reference was made, I believe if I had the opportunity I would oppose it. But we all know when a motion is made to suspend the rules and pass a bill it is impossible to amend the bill except by unanimous consent, when considered under that procedure, and therefore we will have to accept this bill as it is presented or reject it. I trust, because of its importance, we will take advantage of the present opportunity and promptly pass it. There is no opportunity to amend it under the present circumstances, and if one State pays 20 per cent all should pay it and that will make it equitable and just. I am advised that the State highway commissions of the several States do not seriously oppose the requirement of the payment of this 20 per cent in the manner provided.

The first legislation on this subject, as you will recall, was passed when we incorporated on the Post Office appropriation bill for the fiscal year ending June 30, 1920, a provision to the effect—

That the Secretary of War be, and he is hereby, authorized in his discretion to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department, but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act, approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per cent of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

That was the first legislation on the subject. Following that, on the sundry civil appropriation bill for the fiscal year ending June 30, 1920, there was additional legislation, as follows:

SEC. 5. The Secretary of War is authorized to transfer any unused and surplus motor-propelled vehicles and motor equipment of any kind, the payment for same to be made as provided herein, to any branch of the Government service having appropriations available for the purchase of said vehicles and equipment: *Provided*, That in case of the transfers herein authorized a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage, shall be determined upon, and an equivalent amount of each appropriation available for said purchase shall be covered into the Treasury as a miscellaneous receipt, and the appropriation in each case reduced accordingly: *Provided further*, That it shall be the duty of each official of the Government having such purchases in charge to procure the same from any such unused or surplus stock if possible: *Provided further*, That hereafter no transfer of motor-propelled vehicles and motor equipment, unless specifically authorized by law, shall be made free of charge to any branch of the Government service.

Then subsequent to that there was a provision in the Army appropriation bill for the fiscal year ending June 30, 1920, as follows:

Provided further, That in addition to the delivery of the property heretofore authorized to be delivered to the Public Health Service, the Department of Agriculture, and the Post Office Department of the Government, the Secretary of War be, and he is hereby, authorized to sell any surplus supplies, including motor trucks and automobiles now owned by and in the possession of the Government for the use of the War Department, to any State or municipal subdivision thereof, or to any corporation or individual, upon such terms as may be deemed best.

This is the history of this legislation to date.

There is some apparent conflict in the provisions which somewhat confused the Secretary of War. This last provision authorized him to sell any surplus supplies, including motor trucks and automobiles owned by and in the possession of the Government for the use of the War Department, to any State or municipal subdivision thereof, or to any corporation or individual, upon such terms as might be deemed best.

That gave the Secretary of War authority to sell surplus supplies, over and above those authorized to be distributed to the Department of Agriculture, the Post Office Department, and to the Public Health Service, on such terms as he might deem best.

The provision in the sundry civil bill forbids distribution not "authorized by law." It was contended that the provision in the Post Office bill remained the "authority of law" for the continuance of the distribution, and the Attorney General so held in an official opinion. There has been, however, some confusion. The Military Affairs Committee believes that the pending bill, if passed, will remove all confusion and make plain and certain the wishes of Congress in regard to the distribution of the various kinds of vehicles, trucks, articles, and materials useful in the building of good roads, and make the law simple and easy to administer and thereby secure prompt action on the part of the department in distributing them. To make certain prompt action, this bill, when it becomes law, will require the distribution of this property to these various departments where they certify it is needed. It will not only authorize, but it will direct, the Secretary of War to make the distribution without unnecessary delay. The other legislation permitted discretion to be exercised. The supplies that are to go to the Department of Agriculture are to be used for road-making purposes in the various States of this Union. There is no more important work to-day to the American people than the construction of good roads. That is being demonstrated in every progressive State. In my State at the present time there is pending before the legislature a bill, recommended by our retiring governor, Hon. T. G. Bilbo, and our present governor, Hon. Lee M. Russell, providing for the issuance of $25,000,000 of State bonds, the proceeds thereof to be used for the construction of good roads in the State of Mississippi in cooperation with the National Government. A similar bill is pending before the Alabama Legislature. The Legislature of the State of Arkansas has authorized about $100,000,000 in bonds for road building. The same thing is going on in many, yes, in very many, other States of the Union. This indicates the widespread and earnest interest of the American people in the building of good roads. Therefore, wherever we can aid, through the cooperation of the National Government, the several States in the construction of good roads, there is nothing we can do that will contribute more directly to their development, their welfare, their prosperity, and the happiness, convenience, and comfort of the people than to encourage and help this good work.

For these reasons I am glad that this bill is presented at this time, removing the discretion which was formerly vested in the Secretary of War, and requiring the distribution of this property. It was bought for war. We will make it a great benefit and blessing in peace. [Applause.] A great deal of it has been lying waste, deteriorating in value. It should have been distributed a long time ago. If the discretion had not been conferred and we had in our legislation kept our wishes clear and certain, it would have been distributed before this time. This bill takes away all discretion, makes our wishes for this distribution clear, and not only authorizes the Secretary of War but specifically and unequivocally directs him to at once distribute this property in accordance with the terms of this

bill. Let the bill pass. It will do a marvelous amount of good all over the country. It will help much in stimulating and assisting road building and thereby give additional assurance to the people that the Government is in real earnest in helping them in every way possible in improving and building the highways of the Republic. We have delayed too long now. Let us pass this bill and prevent further delay. [Applause.]

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. CANDLER. Yes; with pleasure always, to my good friend from Oklahoma.

Mr. HASTINGS. Can the gentleman give us any estimate as to the aggregate value of the property that would be available for distribution under the terms of this bill?

Mr. CANDLER. I regret that I have not the accurate figures in my possession at the present moment.

Mr. Speaker, I have, from my entrance in public life, been a consistent and persistent advocate of Government aid for good roads. I have voted for every bill passed by Congress making an appropriation for the purpose when I had the opportunity to do so. I am ready to vote for future appropriations for this good cause. Let the good work go on until splendidly improved highways traverse, if possible, every neighborhood in this great country. They will put the schoolhouses nearer the children, the towns and the farms nearer together, the churches nearer the homes, and in many other ways contribute to the comfort, prosperity, and happiness of all the people. I hope the pending bill will pass without a dissenting vote. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. HARRISON. Mr. Speaker, I ask to be recognized for five minutes.

Gentlemen, this bill is the one to which I called the attention of the House the other day when the House had under consideration the Agricultural appropriation bill. I think it is a bill of very great importance to road construction in this country. It is a bill that I have been trying, for my part, to get before the House for a long time. It is merely supplementary to legislation that is already on the statute books. We passed a statute requiring this material to be turned over to the public highway commissions of the States, and the Secretary of War was authorized to do so. It seems to me if he had been disposed to have done so he could have done so without any further legislation. But on the assumption that the provision of the law that we have already enacted is too general in its terms, the distribution of this property has been withheld, so it has become necessary to make it absolutely specific, in order that the War Department may know what material is necessary for road construction. The provision of the statute is to distribute this property equitably, according to quality and quantity, amongst the States according to the provisions of the good-roads act. Just as the money is distributed, so is this property to be distributed.

Mr. SNELL. Will the gentleman yield for a question right there?

Mr. HARRISON. Yes.

Mr. SNELL. Will the gentleman state specifically how it is distributed? Can any State buy all it wants, or is there a limit?

Mr. HARRISON. There is a limit, according to the terms of the good-roads act. The good-roads law provides how the money shall be distributed amongst the States, and this simply says that the property that we hereby direct to be distributed shall be distributed in exactly the same way—equitably according to quantity and quality.

Mr. REAVIS. Will the gentleman yield to me?

Mr. HARRISON. Yes.

Mr. REAVIS. The assignment under this bill has already been made by Mr. MacDonald, head of the National Highway Commission. It is to be distributed among the various States in accordance with their needs.

Mr. HARRISON. Yes.

Mr. REAVIS. So that the distribution is absolutely equitable between all of them?

Mr. HARRISON. Yes. All we want to try to do is to tell the War Department what is material necessary for road construction.

Mr. ALMON. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. ALMON. Twenty per cent of the estimated value of the property is required to be paid by the States for freight charges.

Mr. HARRISON. The object of that is this, and it seems to me it is just, to pool the freight charges. Some of this property is located in New York, for instance, and California may want some of it. Now, if California had to pay the freight across the continent, she would have to pay probably more than the property was worth, whereas if Philadelphia wanted her share of the same property she would have to pay a very limited amount in order to get it. So it was thought only just to distribute the freight charges amongst all the States, and that was reached by making the freight charge 20 per cent on the fair valuation of the property. Out of this pool the freight charges are paid, and each State pays its proportion of the freight. The property is located, as I understand it, in many sections of the United States, in various places. A considerable amount of it was property that was at the seaports ready for transportation across the sea when the armistice stopped its transportation.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. HARRISON. Yes.

Mr. BRIGGS. As I understand it, the Department of Agriculture under the allotment of motor trucks heretofore made has already distributed among many of the States practically their full quota of those motor trucks, while other States have not had more than 5 per cent of their quota.

Mr. HARRISON. It may be so.

Mr. BRIGGS. In those instances the States that have gotten their full quota will not be subjected to any such provision, and will not be required to pay this 20 per cent, and it can not be an equitable distribution. I should like to know about that.

Mr. HARRISON. I yield to the gentleman from Nebraska [Mr. REAVIS] to answer that question.

Mr. REAVIS. If the gentleman will permit me, the Department of Agriculture has so far as possible made the distribution of motor trucks to those States and those highway commissions that were ready to do the work. The larger percentage of distribution that has been made to some States has been made by reason of the fact that those States were ready to go to work, while other States were not ready, and, having no storage facilities, have been waiting until their plans are completed, at which time they will receive their motor trucks.

Mr. HARRISON. In other words, the old law will govern as to motor trucks. Under that the States paid the freight on the motor vehicles, and as some have been distributed under that plan all will be.

Mr. REAVIS. This is for road equipment.

Mr. BRIGGS. In the first section it provides for the distribution of motor-propelled vehicles.

Mr. REAVIS. The distribution will be absolutely equitable, because it is being made under Mr. MacDonald, Chief of the Bureau of Public Roads, who has apportioned among the States the amount that each State will require, and is sending to each State its proportion when that State makes requisition for it and is ready to use it.

Mr. BRIGGS. So there will be no inequality?

Mr. REAVIS. No inequality.

Mr. HARRISON. Not only that, but I will say that as to those States that have already gotten their motor vehicles without the payment of the 20 per cent freight charge there are not any of them that have gotten their share of the other material that is described in section 2.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. GREENE of Vermont. The effect of the whole thing is that the 20 per cent charge begins with the road equipment.

Mr. HARRISON. Yes.

Mr. GREENE of Vermont. There is no 20 per cent charge on any of the motor trucks that have already gone out or that are to go out?

Mr. HARRISON. That is correct.

Mr. GREENE of Vermont. The 20 per cent begins with the road equipment that is to go out to all the States.

Mr. DOWELL. Under what terms have the States received these motor vehicles heretofore?

Mr. HARRISON. Under the same terms as this act provides. That is, they are distributed according to the provisions of the good-roads act, just as the money that is appropriated by Congress is distributed to the States.

Mr. DOWELL. Under this 20 per cent provision?

Mr. HARRISON. No. As my friend from Vermont [Mr. GREENE] has explained, that applies to this other material.

Mr. DOWELL. And not to the motor trucks?

Mr. HARRISON. That is what we understand.

Mr. GREENE of Vermont. That is what we understood in the committee.

Mr. DOWELL. It applies to motor trucks under this bill.

Mr. GREENE of Vermont. Whatever may be the exact phraseology, the policy under which the supplemental bill was framed was that the 20 per cent charge should begin with the distribution of the new material authorized for the first time by this bill, and that the quota to be completed of former material, such as motor trucks, would be completed without re-

gard to the 20 per cent charge. If that idea is not expressly conveyed by the language in the text of the bill, it is a matter for future consideration. That was the understanding.

Mr. BRIGGS. Does the gentleman think the language in the bill, section 4, is sufficiently clear to make it plain that this bill only applies to material and not to undistributed motor trucks? Because if it does apply to undistributed trucks, the State will have to pay the freight on them.

Mr. GREENE of Vermont. I quite concede the point, and I was only speaking of the policy as it was explained to us.

Mr. HARRISON. That can be equalized when they distribute the other material.

Mr. BRIGGS. I do not think the bill contemplates that. They can not take out 20 per cent for motor trucks already delivered.

Mr. HARRISON. I think that if gentlemen will study the bill they will find that there is no inequality. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN.]

Mr. QUIN. Mr. Speaker, there should be no misunderstanding nor any misgiving touching this bill. The gentleman from Illinois [Mr. MCKENZIE] and the gentleman from Virginia [Mr. HARRISON], my colleagues on the Military Committee, have explained the provisions of the bill fully to you. What harm could there come if a State received all this equipment which is enumerated in section 2?

Section 2 provides:

That the Secretary of War is hereby authorized and directed to transfer to the Department of Agriculture, under the provision of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes," for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit, road rollers, graders, and oilers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and dragline excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated bridge materials; industrial railway equipment; conveyors, gravity and power; donkey engines; corrugated-metal roofing; steel and iron pipe; wagons and similar equipment and supplies, such as are used directly for road-building purposes.

Now, why is that not honest, just, and fair? Your committee endeavored to be just and fair. We are very sorry that the bill has been held up so long. The Committee on Military Affairs recognized the importance of this matter and the importance of good-roads construction, which is going on in every progressive State in this Union.

Some gentlemen have complained, and justly so, of various kinds of surplus war material being left out in the weather and going to waste. Recognizing that fact, the Committee on Military Affairs has seen fit to turn all of this equipment over to the different departments, and under this bill each State gets its quota, providing it pays 20 per cent of the value for freight charges. Who can complain of that?

The gentleman from West Virginia [Mr. GOODYKOONTZ] says that West Virginia can not come in under the provisions of this bill. The gentleman from Illinois [Mr. MCKENZIE] explained that we could not afford to hold up 47 States, keep them out of their material, for West Virginia to wake up and take advantage of this road fund.

Why, the gentleman from West Virginia could get half a dozen rich men in his State to put up the money and so get this material with which to construct good roads in that State. I hope he will not oppose the passage of this bill, because Mississippi, Louisiana, Illinois, California, and New York and all the other States can not afford to wait because West Virginia is not prepared for good roads. I am sorry, and I hope my good friend from West Virginia will see some of the rich men in his State and get them to put up the money. I hope he will follow my suggestion. The legislature of that State will make it good, and all they will have to do is to pay 5 per cent on the money.

What we want is for every State in the Union to have its fair share, and when we figured it out, with 20 per cent to be put up by the State that gets this construction material and machinery in order to guarantee the freight charges so that the Government of the United States would not be out anything, we thought we were doing the best thing for the taxpayers of the Nation. I know where the people of one State actually had the gall to ask the Federal Government to build sheds to cover the road material the Government gave to them. We can not go out and do everything for the States. We are willing to give them what road material and equipment the Government has if they will pay the freight charges. Who will ask us to do more? They might ask us to furnish a fireman to fire the engine and furnish the gasoline. Good gracious, men, if we give this material to the States provided they pay the freight charges, they ought to have progressive spirit enough to operate the machinery and build the good roads so that the farmer can haul his products to town and the pleasure riders may have decent roads.

This is an important matter and I hope that no man on the floor when he comes to vote will vote against it. Every man in every big city of the country and in the rural sections is deeply interested. Why should any man oppose it when the Government has all this surplus material scattered over and about throughout the United States lying idle and we put it to a good constructive use? Why should we compel them to go to the factory and buy new when the Government has all this splendid machinery and splendid material which can be put to work helping the farmers and improving country life in every section of the United States? [Applause.]

Mr. HARRISON. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, the legislature of my State in a recent special session provided for the issuance of about $100,000,000 in bonds for the purpose of road building. This bill is a proper one and provides for a just distribution of governmental surplus motor-propelled vehicles and motor trucks to be used by the different States in road building. The United States Government should assist the States in the important enterprise of highway construction, and this measure provides an equitable method of divesting title to this property from the Federal Government and vesting title to the same in the different States for use in the improvement and construction of public highways. The bill is rather indefinite as to the length of time each State shall have in which to signify its intention to avail itself of the right to pay the Department of Agriculture the amount of 20 per cent of the estimated value of the equipment assigned to it, but perhaps there is an implied understanding that each State shall have a "reasonable time" in which to comply with this provision. There should be no opposition to this just measure.

Mr. HARRISON. Mr. Speaker, I yield to the gentleman from Nevada [Mr. EVANS].

Mr. EVANS of Nevada. Mr. Speaker, the committee is highly commended for section 4 of this bill. The freight arrangement is ideal in purpose to furnish this much-needed material upon a basis of entire equality between States, while 20 per cent may not fully cover expense bill to Nevada. It is a wide step in the right direction, causing hope that Nevada's great distance and extreme freight charge will be remembered and recognized more fully in the future than in the past.

Mr. MCKENZIE. Mr. Speaker, I yield four minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker and gentlemen of the House, I had not seen this bill until a moment ago, because it has only recently been introduced. I think it contains a manifest injustice. I do not think the desires and wishes of the committee are reflected in the bill with reference to the distribution of motor vehicles in this particular: Some States have received practically their full quota without compensation; some States have received but a very small proportion of their quota. This bill contains a charge of 20 per cent for all material hereafter to be delivered. If such charge is made for motor vehicles, it will result in some States paying for them while other States have received them without charge. I am going to ask unanimous consent at the appropriate time to offer an amendment excepting motor vehicles from the 20 per cent.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. LONGWORTH. If I understand this bill, the 20 per cent does not apply to motor vehicles.

Mr. REAVIS. Unfortunately it does. The intention was, as given to me by the committee, that it was not to apply, but on page 4, section 4, you will find in line 10 the following language:

Provided, however, That any State receiving any of said property for use in the improvement of public highways shall, after the property is received, pay to the Department of Agriculture the amount of 20 per cent of the estimated value of said property—

And so forth. That comprehends motor vehicles, of course.

Mr. LONGWORTH. No; I think not. I think that would refer to section 2. I do not think that would refer back to section 1.

Mr. REAVIS. There may be some doubt about that, but we either ought to do it here or it ought to be done in the Senate, and I am in favor of doing the right thing here. There is not a man listening to me who is not delighted that the time has come when it is possible to do what we are doing by this bill. This equipment was purchased originally for war purposes, to assist in the destruction of those things, both material and spiritual, that we have been toiling for centuries to produce. We have now come to a time, and we are all thankful for it, when we can make another disposition of this material, where we can utilize it in building up civilization rather than in tearing it down. We are, in a literal sense, beating swords into pruning hooks. The 20 per cent charge on this material, as provided by the bill, will, I believe, meet the approval of the highway commissions of the States. They are willing to pay it. Some of these highway commissions adjacent to the city of Washington have been making a grab game out of this material. It has come to my attention, and there is no dispute on the proposition, that some commissions close to Washington have made requisitions for motor trucks for which they had to pay nothing, have run them out of the camps under their own power and landed them at home, and have then traded them for Cadillac limousines in which to joy ride rather than to utilize for the purpose of building roads. When that was called to our attention Mr. MacDonald compelled those people to make a trade back and get their motor trucks. If the State highway commission was compelled to pay a reasonable price for this it will stop its being a grab game and will insure the Government's receiving a little money for it, and will also be an assurance that it will be utilized for the purpose of road building, and that is the purpose of this Congress.

Mr. Speaker, I ask unanimous consent in my time to amend this bill by inserting in line 12, page 4, following the word "receives," the words "except motor vehicles."

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent to so amend the bill.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to amend the bill in the manner in which the Clerk will report.

Mr. SAUNDERS of Virginia. Mr. Speaker, I would like to have some information as to the effect that this bill has.

The SPEAKER. The Clerk will first report the proposed amendment.

The Clerk read as follows:

Page 4, line 12, after the word "receives," insert the words "except motor vehicles."

The SPEAKER. The gentleman from Nebraska asks unanimous consent to incorporate in the original motion the amendment just reported. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, what class of vehicles does the gentleman desire to except—automobiles or trucks?

Mr. REAVIS. Motor trucks. They are not sending automobiles to these highway commissions, and in answer to the gentleman's question let me state that there are some States that have received as high as 80 per cent of their assignment and quota of motor trucks, and they have received it absolutely free of charge, except the freight. Other States have received less than 10 per cent. If you charge the States 20 per cent for their motor vehicles, you are not dealing fairly, because the same disposition was not made with reference to the 80 per cent States.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. GREENE of Vermont. I am in sympathy with the purpose of the gentleman's amendment, but I think it is already accomplished in the text of the bill, and it was because the committee thought the same had been accomplished that they did not propose the amendment the gentleman asks to have incorporated.

Mr. REAVIS. In response to the gentleman, it is very likely that the gentleman is entirely correct in what he says. I have just arrived in Washington on a late train and I had not read the bill until a moment ago, and on looking over section 4 my first impression was and is that the 20 per cent applied to motor vehicles as well. If the gentleman is certain that the bill does not make that 20 per cent apply to motor vehicles, I have no desire to have this amendment considered.

Mr. BRIGGS. Is there any harm that can be done by inserting it?

Mr. REAVIS. Only that it would be useless, superfluous language, that we ought not to have, in the interest of good legislation, if there is no necessity for it.

Mr. BRIGGS. Does not this very dispute indicate that there is a divergence of opinion about it?

Mr. REAVIS. I am not in a position to dispute what the gentleman from Vermont says. In any event, this bill is going to conference, and if we put this amendment in they can thrash it out in conference so that those States that have received only a proportion of motor trucks will be fully protected.

Mr. SAUNDERS of Virginia. Where would that amendment be inserted?

Mr. REAVIS. On page 4, line 12. There are several prints of this bill now on the floor. The bill being considered is the bill H. R. 12507. The language of the bill is:

Provided, however, That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, pay to the Department of Agriculture the amount of 20 per cent of the estimated value of said property, as fixed by the Secretary of Agriculture or under his direction, against which sum the said State may set off all freight charges paid by it on the shipment of said property, not to exceed, however, said 20 per cent.

Mr. SAUNDERS of Virginia. Why was that 20 per cent put in there at all?

Mr. REAVIS. The 20 per cent was put in there for two purposes.

Mr. SAUNDERS of Virginia. Why not strike it out?

Mr. REAVIS. It was put in there for two purposes. One of the purposes was to stop what was evidently becoming a grab game on the part of some highway commissions that were located adjacent to the camps where the motor vehicles were and where the equipment was.

They were under no expense except for freight; they took them whether they needed them or not. Now, there would be another result accomplished: The States 600, 800, or 1,000 miles from the camp where the automobiles were, when they took the trucks, they took them without charge except the freight. The result of it was that the State close to the camp got its material for much less than the State far removed.

Mr. SAUNDERS of Virginia. But the practice the gentleman speaks of was the fault of the Agricultural Department because no commissioner had the right to take these goods whether located close to the point of distribution or remote from it.

Mr. REAVIS. It is the fault of nobody, I will say to the gentleman from Virginia, because the assignment was made to that State. They made a requisition for these motor vehicles on the theory that they were needed for the purpose of road building. Some of them got motor trucks—not many—and then traded them for Packards or Cadillac limousines, on the theory that their engineers had to be carted from one road-building project to another, and it turned into a sort of grab game on the part of certain commissioners, and it was only the fault of State commissioners who were prostituting the purpose of the legislation.

Mr. MONDELL. Mr. Speaker, the bill was very thoroughly dicussed in all of its provisions during the time allowed under the rule. The gentleman from Virginia was here, I imagine, and I am sure heard the discussion. As I understand, the question is the disposition of the unanimous-consent request of the gentleman from Nebraska.

The SPEAKER. This is all by unanimous consent, of course.

Mr. SAUNDERS of Virginia. I will say to the gentleman from Wyoming that, unfortunately, I did not know, so far as I was personally concerned, that this matter was to come up and I did not hear the discussion. I just came in and was trying to ascertain from the gentleman from Nebraska the purpose of his amendment. I do not know that I am necessarily against the amendment, but I am certainly against any amendment to perpetrate something which I do not apprehend, and I am not going to agree to any such amendment so far as I am concerned.

Mr. HARRISON. Will the gentleman allow me a minute?

Mr. SAUNDERS of Virginia. Yes.

Mr. REAVIS. Mr. Speaker, I would like to have my request submitted.

The SPEAKER. The question is, Is there objection?

Mr. SAUNDERS of Virginia. If the idea is to force action on it here now I shall object.

The SPEAKER. Objection is made. The question is, Will the House suspend the rules and pass the Senate bill as amended?

Mr. BRIGGS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BRIGGS. To ask unanimous consent that in line 11, page 4, after the word "property," the words be inserted "described in section 2." That relates to the property and road material described.

Mr. McKENZIE. Mr. Speaker, with all due respect to the gentleman and his amendment, I object.

The SPEAKER. Objection is made. The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker announced the ayes had it.

Mr. GARD. Division, Mr. Speaker.

The House again divided; and there were—ayes 142, noes 5.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. McKENZIE. Mr. Speaker, I move to lay the bills H. R. 9412 and H. R. 12507 on the table, both being bills relating to the same subject.

The motion was agreed to.

WATER SUPPLY FOR MISCELLANEOUS PURPOSES ON RECLAMATION PROJECTS.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (S. 796) in the form it is reported from the Committee on Irrigation of Arid Lands.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 796) for furnishing water supply for miscellaneous purposes in connection with reclamation projects.

Be it enacted, etc., That the Secretary of the Interior in connection with the operations under the reclamation law is hereby authorized to enter into contract to supply water from any project irrigation system for other purposes than irrigation, upon such conditions of delivery, use, and payment as he may deem proper: *Provided*, That no such contract shall be entered into except upon a showing that there is no other practicable source of water supply for the purpose: *Provided further*, That no water shall be furnished for the uses aforesaid unless the delivery of such water shall not be detrimental to the water service for such irrigation project, nor to the rights of any prior appropriator.

The Clerk read the committee amendments, as follows:

Page 1, line 8, after the word "proper" insert "*Provided*, That the approval of such contract by the water-users' association or associations shall have first been obtained."

Page 2, line 5, after the word "said" strike out the word "unless" and insert the word "if."

Page 2, line 5, after the word "shall" strike out the word "but."

Page 2, line 7, after the word "appropriator" insert "*Provided further*, That the moneys derived from such contract shall be covered into the reclamation fund and be placed to the credit of the project from which such water is supplied.

Mr. MANN of Illinois. Mr. Speaker, the Clerk read the bill and then read the committee amendments, a very natural thing to do. I think the general practice is where a motion to suspend the rules is made to read the bill as the motion proposes to pass it. That is the only intelligent way we can understand it. I ask that the bill be read as though it was reported including the committee amendments.

Mr. GARD. Mr. Speaker——

The SPEAKER. The Clerk will report the bill in the manner indicated.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior in connection with the operations under the reclamation law is hereby authorized to enter into contract to supply water from any project irrigation system for other purposes than irrigation, upon such conditions of delivery, use, and payment as he may deem proper: *Provided*, That the approval of such contract by the water-users' association or associations shall have first been obtained: *Provided*, That no such contract shall be entered into except upon a showing that there is no other practicable source of water supply for the purpose: *Provided further*, That no water shall be furnished for the uses aforesaid if the delivery of such water shall be detrimental to the water service for such irrigation project, nor to the rights of any prior appropriator: *Provided further*, That the moneys derived from such contracts shall be covered into the reclamation fund and be placed to the credit of the project from which such water is supplied.

The SPEAKER. Is a second demanded?

Mr. WALSH. Mr. Speaker, I demand a second.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Colorado has 20 minutes and the gentleman from Massachusetts has 20 minutes.

Mr. TAYLOR of Colorado. Mr. Speaker, this is a very short and very plain bill. It has passed the Senate twice. As chairman of the Committee on Irrigation of Arid Lands I reported it out of the committee in the last Congress. This bill is in identically the same language as the one which I reported out a year ago.

We were unable to pass it in the Sixty-fifth Congress, because there were a large number of other bills ahead of it and we never reached it on the calendar. All there is to the bill is this: There are some 30 Government irrigation reclamation projects throughout the West. The reclamation law, strictly speaking, does not allow them to use water for any other than irrigation purposes. As these various reclamation projects have become settled up and developed it has become almost imperatively necessary for them to use some water occasionally for various other purposes than irrigation. For instance, on some of the projects there are sugar-beet factories, alfalfa mills, saw mills, and a great variety of enterprises that are of very great importance toward the convenience, welfare, and development of this country, and yet they are not irrigation uses, and there is no law authorizing the Secretary of the Interior to grant permission to take or use any water whatever for any of such very beneficial purposes. There are some of them where the railroads run across the projects and where there is no authority or way of obtaining any water to run the engines, and they have to sink wells or carry and store water in tanks for the purpose of obtaining water for the railway engines that cross the projects. And there are many other small, some of them temporary, but important uses. The bill itself is heartily recommended by the Interior Department, and it came to me, as I recollect it, from the Reclamation Service or the Interior Department originally when I was chairman of the committee in the last Congress, and, as I stated, I reported it out as such, with the same amendments and in the same language as at the present time.

Nearly all the Senators and Representatives from the Western States are interested in having this bill passed as speedily as possible in the interest of the development of their respective reclamation projects and for the relief of the conditions on various reclamation projects. The bill expressly provides no water can be delivered for any purpose to the detriment of the water service for the irrigation project and that this water shall not be used when it is needed for irrigation. It also expressly provides it shall not be used except the use of it is approved by and agreed to by the water users themselves, so they will always have the matter in their control. It further provides that whatever charges there are, whatever collections or fees or rentals there may be, from all such uses of this water shall go directly into the reclamation fund of that project.

There is a further restriction that no water can be granted for any of these various miscellaneous purposes except upon a showing that there is no other practicable source of water supply for the purpose. So it would seem as though it were safeguarded as much as possible and that there can be no reasonable objection to the people on these projects getting every beneficial use possible out of the water, especially when most of this domestic power for manufacturing use will be at times of the year when the ranchmen are not irrigating; that is, in the fall and winter, when the water, if it is not running into the reservoirs, would probably be running to waste. "The campaign," or running time, of a beet-sugar plant is in the late fall and winter, when no one is irrigating.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Certainly.

Mr. MANN of Illinois. Do I understand that under the existing law water from an irrigation project can not be used for domestic purposes.

Mr. TAYLOR of Colorado. There is no water appropriated by or adjudicated to a project under the reclamation law expressly for domestic purposes. Of course, the settlers on a project do use water for domestic purposes, for household use, and for stock, but there is no authority or law recognizing or authorizing the use of water for manufacturing or any other of these miscellaneous uses that they want water for.

Mr. MANN of Illinois. I notice in the report of the committee on this bill the statement, which I suppose was approved, where a small quantity of water is very much needed for some domestic or other use not strictly within irrigation.

Mr. TAYLOR of Colorado. Yes.

Mr. MANN of Illinois. Is the law relating to reclamation so confined that people who use water for domestic purposes use it illegally?

Mr. TAYLOR of Colorado. Well, it is generally conceded throughout the West that it is not an illegal use of water appropriated for irrigation purposes to drink some of it or water stock or for ordinary household purposes; that it is a very necessary and common-sense use. But in the amount of water allowed to—that is, the appropriations which are granted to—these various reclamation projects, my understanding is that there is no specific amount adjudicated to them for domestic purposes; that they have to take it out of that irrigation right.

The Secretary of the Interior in his report says:

Under the present law there is no authority for furnishing water for other than irrigation purposes for agricultural or town-site uses.

Whatever "irrigation purposes for agricultural or town-site uses" means is only what the present law allows.

Mr. MANN of Illinois. Suppose a man wants to start a cheese factory on one of these irrigation projects, is there no way that he can even get water for washing out his cheese house?

Mr. TAYLOR of Colorado. No, sir. I do not think washing out a cheese house would, strictly speaking, be either an irriga-

tion or a town-site use. We have quite a number of alfalfa mills and they can not get any water for their use.

Mr. MANN of Illinois. Is there not any provision for water for a city or a town?

Mr. TAYLOR of Colorado. I do not know how far "town-site uses" would go. But if the town entered upon a municipal plant or use of water for any special commercial purposes, I think they have got to get it from some other source, the way the law is now.

Mr. MANN of Illinois. Oh, well, they can not get it from any other source.

Mr. MONDELL. Will the gentleman yield to me?

Mr. MANN of Illinois. In just a second. I want to ask this question: Where a town grows up on one of these reclamation projects the law is such that the town can not be permitted to obtain any portion of the water saved for irrigation for domestic use or town use—for putting out a fire in a burning house, perhaps?

Mr. TAYLOR of Colorado. I think they can drink all they want or use it for household and stock purposes, and undoubtedly put out a fire with it and use it in limited quantities for domestic purposes. But under the present law the use is certainly very limited, and I do not think it is very definitely defined. I know it does not authorize the uses I am attempting to provide for in this bill.

Mr. MANN of Illinois. Not for the fire department?

Mr. TAYLOR of Colorado. I do not believe the present law is as extensive as the gentleman thinks it is.

Mr. MANN of Illinois. I do not agree with the gentleman at all. If that is correct, it is the craziest bit of legislation that was ever put over.

Mr. TAYLOR of Colorado. I am not positive at all as to just what things water on a project can and can not be used for, or just how much or when under all circumstances. Irrigation may and does by custom allow, as I have said, some limited use besides spreading it on the ground to grow crops. It is a question of how far the term "town-site uses" goes. I am trying to enact this law so as to prevent any questions of that kind causing trouble.

Mr. MANN of Illinois. I am in sympathy with the gentleman on this bill, so far as that is concerned, but not that portion of it which would permit the water users to take away the right to the use of water by a factory that had been constructed with their consent.

Mr. TAYLOR of Colorado. Any use that is now recognized and in operation for irrigation or town-site uses would not be taken away from them; any beneficial uses they are now making that come rightfully under those headings would not be disturbed by this law. But no private citizens or corporations can have any vested right to water from a project under the present law, as I understand it, for a commercial or manufacturing plant, or anything of that kind.

Mr. MANN of Illinois. If they permit a town to get water, in the course of time there will be towns there that will have a town water supply.

Mr. TAYLOR of Colorado. They ought to have a town water supply, but they can not use that for manufacturing purposes under the present law.

Mr. MANN of Illinois. I think they could, but I do not know. Certainly they ought to be able to do so.

Mr. TAYLOR of Colorado. They ought to do so, but they do not. That is the reason why we ask for the passage of the bill, so that a town or anybody else can make every possible use of the water that will not be detrimental to the irrigation, and pay the project for the use of it.

Mr. MONDELL. Will the gentleman yield to me a little time?

Mr. TAYLOR of Colorado. Yes. How much time does the gentleman desire?

Mr. MONDELL. I would like five minutes.

Mr. TAYLOR of Colorado. Certainly; I yield the gentleman from Wyoming five minutes.

Mr. MONDELL. Mr. Speaker, the inquiries of the gentleman from Illinois [Mr. MANN] would seem to indicate that irrigation laws are not clear and definite; but that is not true. These water rights are a matter of State grant, and not a Federal grant.

Mr. MANN of Illinois. That is an old contention. I do not agree with that.

Mr. MONDELL. The Federal statute books contain laws that expressly declare these water rights shall be taken and acquired in accordance with State law. The very law that we are amending, under which these rights are taken, carries that provision, and it is written elsewhere in our statutes. Under the law of irrigation there is no individual ownership of water. The water belongs to all of the people; and the State, as representing all of the people, provides the legislation under which the use and the distribution of the water are had. The Secretary of the Interior, or some one for him, goes to the proper State officer, just as any other individual would, and makes an application for a water right to irrigate a certain tract of land, the description of which he gives. If there is water available, and unclaimed and unused by others, the State officer who has jurisdiction of such matters grants to the Secretary of the Interior the right to divert the water for the purpose of the irrigation of the land which he describes, and for no other purpose, except that under the law of irrigation the use by the irrigator for domestic purposes is considered an irrigation use. The farmer, having the right to irrigate his land, has the right to use the water for all the ordinary purposes of his farm and his stock.

The Secretary, acting as the agent, as the trustee, for the future owners of the lands for the irrigation of which the water right is secured, has no authority to make any agreement relative to the use of the water except for the purposes of irrigation. He has no authority except as we give him authority as an agent to do what any other agent could do under the State law; and we provide here that, acting as the agent or the trustee of these people, he may, of the water diverted under the State law, provide for its use for certain purposes incidental to the use for irrigation, as gentlemen have suggested these uses, as, for instance, for a factory, for a railway to fill its reservoirs, and so forth.

Those contracts, when made, may be perpetual, and there is nothing in this law that reads otherwise, or for certain purposes they may be seasonal and more or less temporary.

The Secretary could not take from a factory the water which has been agreed to be delivered to it unless the agreement so provided; but if the factory ceases to do business, the right ceases and becomes reinvested in the people of the State as a whole, and only invested in another as it may be invested under State law.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield there, if he has time?

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. If I had time, I would be glad to. There must, it seems, be legislation of this kind in order to authorize the Secretary of the Interior, the trustee for the future landowners, to make this distribution of the water.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Will the gentleman from Colorado give me one minute more, if he has the time? In that case I will be glad to answer any questions the gentleman from Illinois may ask.

Mr. TAYLOR of Colorado. I yield to the gentleman one minute.

The SPEAKER. The gentleman from Wyoming is recognized for one minute more.

Mr. MONDELL. The gentleman from Illinois [Mr. MANN] asks what a town would do on one of these irrigation projects. It would do either one of several things. It would either secure a separate right for domestic purposes and then apply for a right to run its water through the canals of the project, or it would make arrangement for the use of a part of the water appropriated, in which case the water right should be amended or the town would condemn a part of the water of the project for the use of the town, because the right to use water for domestic purposes is a preference right, and the law of every irrigated section gives the right to condemn water, used for irrigation, for purely domestic purposes. Ordinarily the method pursued would be to ask for a right from the same source, and with it the right to carry water through the canals of irrigation enterprise.

This matter is not without its difficulties and embarrassments, and it is not without hesitation that we from the irrigated section of the country are persuaded to vote for it, though our doubts and our hesitations arise out of fears quite different from those expressed by gentlemen from sections where irrigation is not practiced. We can not through Federal enactments give the Secretary of the Interior, or anyone else, authority to utilize to any considerable extent for other purposes waters appropriated and diverted for irrigation. It is true, however, that these diversions are ordinarily made for irrigation and domestic purposes, but the domestic purposes thus contemplated are necessarily domestic purposes more or less incidental to the primary purpose of irrigation.

I realize that there is always the danger under legislation of this sort that some Secretary of the Interior, or officer acting under him, may become possessed of the notion that he has the

right to sell and peddle about water for a variety of purposes, quite unrelated to the irrigation enterprise, and it is entirely possible to imagine a situation in which an officer not fully conscious of the limitations of his authority might endeavor to do things quite in conflict with the spirit of the irrigaton laws. Such action would, of course, be voidable, but in any event much harm might be done.

It is the hope of those of us from the irrigated portions of the country who vote for this legislation that the officers of the Interior Department will construe and execute this law mindful of the limitations of their authority and of Federal authority generally over the use of water within a State, and avoid the pitfalls that lie in the way should this statute be construed as purposed or intended, or understood, to in any way authorize the use or disposition of water otherwise than in strict accordance with the water laws of the States.

The SPEAKER. The time of the gentleman from Wyoming has again expired.

Mr. TAYLOR of Colorado. Mr. Speaker, I yield five minutes to the gentleman from Montana [Mr. EVANS].

The SPEAKER. The gentleman from Montana is recognized for five minutes.

Mr. EVANS of Montana. Mr. Speaker, this bill seems to me to be perfectly clear and simple. As suggested by those that have preceded me, the water on an irrigation project is controlled by the Secretary of the Interior. The present Federal statute provides that the water upon a reclamation project shall be used for two purposes—for irrigation purposes and for townsite purposes. It makes no provision for the use of that water for any commercial purpose whatever. As these projects develop there are always more commercial uses to which the water could be put for the weeks and months in which the water runs to waste. This bill will facilitate the use of the water when it can not be used for irrigation purposes.

Now I will read you a letter received a few months ago from a State senator from my State. He writes:

MISSOULA, MONT., *November 6, 1919.*

Hon. JOHN M. EVANS,
House of Representatives, Washington, D. C.

MY DEAR MR. EVANS: Some time ago I wrote Senator MYERS in relation to his Senate bill No. 796, relative to the leasing of water from Government irrigation projects, asking him the status of same. I am now in receipt of reply, in which he advises that same passed the Senate and has been favorably reported by the committee in the House.

I am much interested in this bill, for the following reasons: Last year we put in a saw and planing mill plant 1½ miles north of Pablo, on the Flathead Branch. As water had been obtained at many points in the vicinity of the place where we located the mill, we took it for granted that we would be able to secure water there. However, after sinking between 350 and 400 feet we were never able to get enough water to anywhere near keep our boiler supplied. It has cost thousands of dollars with no result at all. The Government ditch is only a few hundred yards from us, and 1 inch of water from this would save us around $400 or $500 per month, as we have to haul practically all water used at our mill in tanks by team from other sources of supply.

I wish you would look over this bill carefully and if you see no objections in the bill I would be glad, indeed, if you would give your support and try and urge its passage as soon as possible. It would certainly be a great relief to us if we could buy from the Government a small amount of water and pipe same to our mill.

Thanking you in advance, and with kind personal regards, I remain,
Very respectfully,

W. H. SMEAD, *President.*

Now, there is a concrete instance where, if the Government could sell that water to a man who wanted to run a sawmill on his own project, it could save individuals considerable money. They could recoup the funds of the irrigation project to that extent.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. MONDELL. The gentleman has used the word "sell." Nobody owns the water in that section of the country. I simply call attention to the use of the word because of the fact that people get an erroneous idea of what is done. This is not a sale of water, as my friend knows. It is a provision under which water can be used for a specific purpose.

Mr. EVANS of Montana. It is a sale of the use of the water. Nobody owns water in that section of the country. Under what is called a "usufruct" of the water you have the right to use it for a beneficial purpose if it is not needed for the purpose of irrigation. Nobody owns absolutely the water in our country, but he owns the right to use it under certain conditions. The Secretary of the Interior controls that water. The owner of a factory wants it for a particular purpose. The Secretary says, "No; you can not use it for an alfalfa mill, or a sugar factory, or a sawmill, or an engine." This bill is for the purpose of allowing the Secretary to let those people have water under conditions when we have a surplus of water running into the sea, and it provides that it can be done not only with the consent of the Secretary of the Interior, but with the consent of the people who own the land surrounding it, and the funds accruing therefrom shall go into the funds of that particular irrigation project.

Mr. WALSH. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

The SPEAKER. The gentleman from California is recognized for five minutes.

Mr. RAKER. Mr. Speaker and gentlemen of the House, this bill was before the Committee on Irrigation of Arid Lands two years ago. The Senate passed the same bill then as it has passed this time. The House committee then placed on the bill the amendments that are on this bill at the present time. The first will be found commencing with line 8 of page 1, and the second amendment on line 7 of page 2. Without those amendments the bill would be extremely dangerous. It borders on danger now, but I believe the amendments will protect it.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. In a moment. It is all right, but this will give the Secretary of the Interior power to dispose of hydroelectric energy, use it on irrigation projects, which is a right that should not be given to any man without the consent of the water users who have the interest in it. It is important, but I believe it has been provided for by this amendment to the end that the water users will not consent unless they secure a fair and reasonable consideration for that use. The right in the Government in each one of these instances is identical with the private appropriator.

Mr. KINKAID. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. KINKAID. Does not the gentleman from California consider that this protects the rights of the water users, that their rights are safeguarded by this amendment, and that there is no loophole left open whereby the privilege granted may be abused?

Mr. RAKER. I think that is so.

Mr. KINKAID. Is it not made as safe and secure as legislation can make it?

Mr. RAKER. I think it is, because it will not only protect the water users but the right to dispose of the hydroelectric energy, as well as any surplus water. The hydroelectric energy of the Roosevelt Dam was sufficient to pay the whole cost of the dam. Had that been given away, the whole value would have been given away. Not only in regard to that, but the small factory or any other enterprise which should be developed ought to pay a reasonable cost for the use of the water, and it should not be granted unless the water users are satisfied with it.

Mr. KINKAID. Does not the gentleman from California believe that the amendment sought by this bill is greatly in the interest of all the water users, and because of the community of interests existing between them and every local industry that might seek to secure water under the provisions of the bill?

Mr. RAKER. Yes.

Mr. KINKAID. There is such an interdependence and community of interests of all the users of water and industries and agents with which they deal.

Mr. RAKER. When the Secretary presents the matter whether water should be authorized to be used for hydroelectric energy or for a mill or any enterprise or any other purpose, it will be submitted to the vote of the irrigationists in that district and they will have an opportunity to canvass the entire matter and see that their interests are protected and that there is a reasonable and fair return paid for the use of the water that belongs to their enterprise.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MADDEN. If they used the water for the development of hydroelectric energy, it would not destroy the water?

Mr. RAKER. No; but some of these projects might develop hydroelectric power that would justify and pay the original cost. The people of that project have paid for it.

Mr. MADDEN. But they would not waste the water; they do not drink the water.

Mr. RAKER. Ordinarily not.

The SPEAKER. The time of the gentleman from California has expired.

Mr. WALSH. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, the gentleman from Massachusetts has yielded me time, although I am not opposed to the bill. If anybody is opposed to the bill and wants the time, I am willing to yield. I would like to get a little information about the form of the bill which provides that the Secretary may make a contract with some one else, to be approved by the water users' association, and then provides that no water shall be furnished for uses aforesaid if the delivery of such

water shall be detrimental to the water service for such irrigation projects. Is that a limitation, or a condition, or a direction?

Mr. TAYLOR of Colorado. I think it is all three.

Mr. MANN of Illinois. Is it a limitation on the Secretary or a direction to the Secretary?

Mr. TAYLOR of Colorado. I think it is an authority and a direction to the Secretary and also a limitation. He is authorized, upon condition that, first, he has the approval of the water users; second, that there is no other source of supply; third, that the proceeds shall go to the project, to enter into contracts to supply water for other purposes than irrigation, limited, however, by the proviso that no water shall be furnished for the uses "other than irrigation" if the delivery of such water shall be detrimental to the water service for such irrigation project.

Mr. MANN of Illinois. Does it limit his authority so that if he makes a contract contrary to this provision the contract is illegal, or is it a mere direction to the Secretary to be careful and not make such a contract?

Mr. TAYLOR of Colorado. I think the Secretary is given a certain and limited and specific authority and directed as to how and upon what conditions he can exercise it, and he can not have any more authority or discretion than the law gives him, and if he exceeds the plain limitations of the law I think his contract to that extent would be illegal.

Mr. MANN of Illinois. Let us get at this question. There are few, if any, reclamation projects where all the land subject to irrigation is now being irrigated. Is not that correct?

Mr. TAYLOR of Colorado. Yes, sir; some of the land is very rough.

Mr. MANN of Illinois. Here comes a proposition at one of these places to put up a sawmill or a cheese factory, or some other manufacturing institution which is desirable to be located there. The Secretary makes a contract and it is approved by the water users' association. Subsequently, when all the land is being irrigated, it is discovered that there is not water enough. Is this contract that has been made illegal?

Mr. TAYLOR of Colorado. My understanding of the bill and the report of the Interior Department is that whatever water is allowed to be used by this bill could not be so contracted or used as to be detrimental to the use of the water for irrigation purposes at all. Everyone would have to contract with the Secretary and also with the water users in the light of their authority under this law. Possibly the water users might be estopped from repudiating their own unauthorized contract. But there is very little likelihood of that condition arising. Contracts issued under this law will have to be subject to this law, and everyone must know that they can not interfere with necessary irrigation.

Mr. MANN of Illinois. How does the gentleman mean by not interfering with irrigation—that it can be used and then turned into the irrigating ditch and be used for irrigation?

Mr. TAYLOR of Colorado. Yes. The water can often be used for power or some other beneficial use and then returned to the stream or canal and used for irrigation again.

Mr. WELLING. If the gentleman will yield?

Mr. MANN of Illinois. I yield.

Mr. WELLING. I have in mind an irrigating project where there is a sugar factory that needs 8 second-feet of water during the whole part of October, November, December, and perhaps until the 15th of January. Now, the water that is stored there under the reclamation project is not of one earthly bit of good for irrigation purposes during that particular season of the year. It does not take anything away from the water for irrigation purposes to use it for the sugar factory; but unless the Secretary has the authority lawfully to divert 8 second-feet of water for the use of this sugar factory, it can not operate in that territory.

Mr. MANN of Illinois. I understand; and that is the reason why I am in favor of the bill. But supposing the water is used at a time when it does affect irrigation, then what is the legal effect of this provision of the bill?

Mr. WELLING. So far as the sugar factory is concerned, its use for the purposes of the factory could not interfere with the use of the water for irrigation, because the sugar factory does not begin until after the irrigation season is over. I am not able to answer the gentleman with reference to the legal effect if water is used in July or August.

Mr. TAYLOR of Colorado. I will try to answer the gentleman's question. It says here—

That the Secretary of the Interior in connection with the operations under the reclamation law is hereby authorized to enter into contract to supply water from any project irrigation system for other purposes than irrigation upon such conditions of delivery, use, and payment as he may deem proper.

And then it provides that no such contract shall be entered into except upon a showing that there is no other practical source of water.

Mr. KINKAID. That is covered by the next proviso.

Mr. TAYLOR of Colorado. Yes.

The SPEAKER. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman one minute.

Mr. TAYLOR of Colorado. The proviso says:

That no water shall be furnished for the uses aforesaid if the delivery of such water shall be detrimental to the water service for such irrigation projects or to the rights of any prior appropriator.

In other words, they shall not give a man any water if the delivery of it is detrimental to the water service for such irrigation project.

Mr. MANN of Illinois. But suppose they have given it to him, and then it is shown that it is detrimental, what will be the effect?

Mr. TAYLOR of Colorado. The irrigation rights would come in and take it away. They have a proviso right in the State law.

Mr. MANN of Illinois. Does the gentleman think then that if after the contract is made it is shown that there is not water enough for irrigation purposes, they can take the water away from the man who has built a factory, on the understanding that he is to have the water?

Mr. TAYLOR of Colorado. A man can not have the understanding that he can have the water if it is needed for irrigation. Under this law he can not in good faith get any such contract, and if he did I think any water user under the project could obtain an injunction to prevent both the Secretary of the Interior and that man from using any of the water in any way that would interfere with irrigation rights, be in violation of this law.

Mr. MANN of Illinois. The gentleman from Wyoming said these were irrevocable and forever. I can not tell from the reading of the bill.

Mr. WALSH. Mr. Speaker, I am opposed to the measure, possibly because I do not understand the irrigation system of the country, but I doubt whether we should repose authority in the Secretary of the Interior, under whose jurisdiction the irrigation and reclamation projects have been placed, and then say that when he is administering the affairs of this great project he must administer them in a way that certain water users dictate. That is what we are doing in this legislation.

[At this point Mr. CLARK of Missouri entered the Hall and was greeted with applause.]

Mr. WALSH. Mr. Speaker, lest this tremendous outburst of enthusiasm should appear in the RECORD as an expression of approval of the remarks I have made, I desire to note that the distinguished gentleman from Missouri [Mr. CLARK] is back from Elba and that the applause is by way of a greeting to him.

Mr. BLANTON. And in recognition of the Democratic victory out there, and if the gentleman from Massachusetts [Mr. WALSH] needs any water to enable him to swallow that bitter pill, somebody ought to get him a glass.

Mr. WALSH. Let it also appear that the incident could not pass without the gentleman from Texas butting into the RECORD.

Mr. Speaker, I would like further to say that I doubt the propriety of our embarking upon a program which will permit water for reclamation purposes to be diverted under contract, stored in reservoirs for sugar factories, alfalfa mills, railroads, and other purposes. It will be done under contract, and after that has been done under contract approved by the water users, when they have a large quantity of water stored in their reservoirs if dry times come among the water users I do not believe that they can go and take that water away from the people who are entitled to it under the contract, and I believe it will result in establishing a precedent whereby these irrigation systems on these reclamation projects will be used for purposes much beyond the scope and intent of the original legislation.

They say now that some of the locomotives on the railroads passing through these projects sometimes run out of water, and they want this irrigation system so utilized that they can furnish water to the railroads. If that be the case, the railroads ought to be able to establish their own water stations and they ought not to be permitted to build reservoirs and store quantities of this water under contract between the department and themselves, with the approval of the water users, and keep it there all of the time, because a drought may occur, or something may happen to the system, and the water users will be deprived of the use of the water, because it will be in a reservoir of the railroad under a contract entered into and there would be no way of recovering it. I submit that it will be turning this system

of reclamation projects and the water supply for it into commercial purposes. A lot of these promoters will go out there with beautifully illustrated literature—and while the gentleman from Colorado [Mr. TAYLOR] and the gentleman from Idaho [Mr. SMITH] smile rather audibly, I know that those promoters wander at large through the States of those gentlemen; and if they find it is easy to make contracts to get this water under this legislation, you will find that it will be used to encourage the establishment of all sorts of industrial enterprises which from the natural lack of water would never be thought of, and that the reclamation project will become a secondary consideration. That is my objection to the measure, despite the persuasive arguments of the gentlemen who know very much more about it than I do. I believe we are establishing a dangerous precedent here, and that we ought not to permit these contracts to be entered into whereby this water may be so diverted.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MADDEN. I was interested in the gentleman's statement to the effect that he objected to the water being stored in reservoirs, particularly if a dry time should come—that there might be difficulty. I think it might be well enough to call the attention of the gentleman to the fact that the dry time is here and everybody is on the water wagon. [Laughter.]

Mr. WALSH. The gentleman does not advance that seriously as an argument in favor of this legislation?

Mr. MONDELL. Is not that quite as serious an argument as the gentleman from Massachusetts has been advancing?

Mr. WALSH. Oh, the gentleman is now entering the field of comparison, and he knows what the scholar says with respect to comparisons.

Mr. BAER. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the reclamation expert from the Dakotas.

Mr. BAER. I think the gentleman's argument good in respect to the reservoir. Take a proposition where farmers get their water supply from the melting snow on the mountains. Suppose some commercial enterprise comes in and exhausts the water in the reservoirs before the spring planting comes on. The gentleman from Colorado says they would have to obtain an injunction in order to stop commercial users from using the water. The gentleman from Massachusetts is an able lawyer and he knows how long it takes to get injunction proceedings. The gentleman knows how it delays matters. They would exhaust all of the water in the reservoir, and the farmers would not have any supply for agriculture.

Mr. WALSH. Yes; or it might evaporate.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. BLANTON. I wanted to see if the gentleman from Massachusetts will permit the gentleman from Missouri [Mr. CLARK] to tell the House what the people of Missouri think about Republican rule in Congress?

Mr. WALSH. Yes; I would be very glad to have him tell the House, but I notice that he probably anticipated the request, for he has disappeared. [Laughter.] Mr. Speaker, for the reasons I have given, including the few side remarks that have been injected by gentlemen who are so enthusiastic about diverting the great Federal reclamation projects and irrigation systems to commercial interests, I am opposed to the proposed bill.

Mr. EVANS of Nevada. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. EVANS of Nevada. Does the gentleman feel that there need be any alarm in view of the provision that if the delivery of the water shall be detrimental to the water service——

Mr. WALSH. Oh, the water may have been delivered long before the urgent need for it arises. Hundreds of thousands of gallons of water may have been delivered to some commercial enterprise, and later something may happen to the system. Then they can not get the water back.

Mr. EVANS of Nevada. The gentleman realizes that it comes under the Secretary of the Interior?

Mr. WALSH. Yes; if the water users approve it. The very men who are interested in this project may be the water users, and they will be the ones to bring the pressure to bear upon the Secretary to enter into this contract. I hope the bill will not pass.

The SPEAKER. The gentleman's time has expired. All time has expired. The question is on the motion of the gentleman from Colorado to suspend the rules and pass the amended bill.

The question was taken.

Mr. WALSH. Division, Mr. Speaker.

The question was taken, and the Chair announced that the ayes were 62, the noes 9.

Mr. WALSH. Mr. Speaker, I think on such an important question as this—Mr. Speaker, I do not dare to make the point.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that the bill H. R. 406, to which unanimous consent was not given this morning for consideration, be placed at the bottom of the Unanimous Consent Calendar.

The SPEAKER. The gentleman from California asks unanimous consent that the bill referred to be permitted to remain at the bottom of the Unanimous Consent Calendar. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Mr. Speaker, on behalf of the timid gentleman from Massachusetts [Mr. WALSH] I would like to make the point of order of no quorum right now.

The SPEAKER. The gentleman from Texas makes the point of order of no quorum present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, February 17, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Chief of Bureau of Efficiency, transmitting report on the Federal Government's activities in the promotion of foreign commerce (H. Doc. No. 650), was taken from the Speaker's table and referred to the Committee on Foreign Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Illinois, from the Committee on Expenditures in the War Department, submitted a report (No. 637) on expenditures in the War Department—aviation, which said report was referred to the House Calendar and ordered printed with illustration.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BEE, from the Committee on Claims, to which was referred the bill (H. R. 12333) for the relief of Albert T. Huso, reported the same without amendment, accompanied by a report (No. 636), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 12425) for the relief of Orlando Ducker, major and surgeon in the War with Spain, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER of Illinois: A bill (H. R. 12556) limiting the number of pages of newspapers, magazines, and other periodicals entitled to transmission in the mails as second-class matter; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 12557) to prohibit the export of wood pulp and print paper for the period of one year; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHENER: A bill (H. R. 12558) authorizing the Secretary of War to donate to the village of Manchester, Washtenaw County, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. BRITTEN: Joint resolution (H. J. Res. 295) calling attention to a violation of the Monroe doctrine; to the Committee on Foreign Affairs.

By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, urging the President of the United States to defer the proposed sale of the ships of the German

merchant fleet taken by the United States during the late war; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of South Carolina, regarding the Armenian situation; to the Committee on Foreign Affairs.

By Mr. DOMINICK: Memorial of the Legislature of the State of South Carolina, regarding the Armenian situation; to the Committee on Foreign Affairs.

By Mr. ROGERS: Memorial of the Senate of the Commonwealth of Massachusetts, urging the President of the United States to defer the proposed sale of the ships of the German merchant fleet taken by the United States during the late war; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAGUE: Memorial of the Senate of the Commonwealth of Massachusetts, urging the President of the United States to defer the proposed sale of the ships of the German merchant fleet taken by the United States during the late war; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 12559) granting an increase of pension to Eugene B. Dwight; to the Committee on Invalid Pensions.

By Mr. BLAND of Virginia: A bill (H. R. 12560) granting a pension to Willie Lee; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 12561) granting a pension to Margaret Smallwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12562) granting a pension to James Baker; to the Committee on Pensions.

By Mr. CASEY: A bill (H. R. 12563) to place the name of Jedediah C. Paine upon the unlimited retired list of the Army; to the Committee on Military Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 12564) granting an increase of pension to James W. Titus; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 12565) granting an increase of pension to William J. Givens; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 12566) granting an increase of pension to James E. Wilson; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 12567) granting a pension to Charlotte F. Perrin; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 12568) granting a pension to Lennie Ann Shunk; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 12569) granting an increase of pension to Clara A. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12570) granting a pension to Robert Gardner; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 12571) granting an increase of pension to William J. Degnan; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 12572) granting a pension to Mary Long; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 12573) granting a pension to Rufus Dewitt; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12574) granting an increase of pension to Alice Jewett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12575) granting an increase of pension to Ruth Posey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12576) granting a pension to Henry Gregg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12577) granting a pension to James Lynch; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1579½. By the SPEAKER (by request): Petition of Worthington Ireland and 83 others, opposed to the sale of the 30 former German ships; to the Committee on the Merchant Marine and Fisheries.

1580. Also (by request), petition of the Manufacturers and Dealers' League of the City and State of New York, opposing the enactment and enforcement of the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

1581. Also, petition of 89 residents of the District of Columbia, opposing sale of the 30 former German ships, etc.; to the Committee on the Merchant Marine and Fisheries.

1582. By Mr. BABKA: Petition of Federal Employees' Union No. 73, Cleveland, Ohio, favoring higher pay for Steamboat-Inspection Service; to the Committee on Reform in the Civil Service.

1583. By Mr. BURROUGHS: Petition of Benjamin W. Groce, secretary Local Union No. 1147, United Textile Workers of America, in opposition to the spreading of propaganda intended to destroy the existing form of our Government; to the Committee on the Judiciary.

1584. By Mr. FESS: Petition of Ohio Woman Suffrage Association against universal military service and training; to the Committee on Military Affairs.

1585. By Mr. FULLER of Illinois: Petition of sundry citizens of the State of Illinois, protesting against the sale of the German ships; to the Committee on the Merchant Marine and Fisheries.

1586. By Mr. GALLIVAN: Petition of the customs employees of Massachusetts, urging the passage of House bill 12046; to the Committee on Appropriations.

1587. Also, petition of the Boston Chamber of Commerce, opposing the Gronna bill, etc.; to the Committee on Agriculture.

1588. Also, petition of 300 citizens of Massachusetts, protesting against the sale of the former German ships and also for an investigation, etc.; to the Committee on the Merchant Marine and Fisheries.

1589. By Mr. MAHER: Petition of American Association of Engineers in support of the Keating Commission; to the Committee on Reform in the Civil Service.

1590. Also, petition of Three hundred and seventh Infantry Post of the American Legion, favoring universal military training; to the Committee on Military Affairs.

1591. By Mr. MOORE of Ohio: Petition of Federal Employees' Union, No. 73, Cleveland, Ohio, favoring higher pay for Steamboat-Inspection Service; to the Committee on Reform in the Civil Service.

1592. By Mr. O'CONNELL: Petition of Twenty Year Club, Watervliet Arsenal, N. Y., urging support of the Army pay bill; to the Committee on Military Affairs.

1593. Also, petition of American Association of Engineers in support of the Keating Commission; to the Committee on Reform in the Civil Service.

1594. Also, petition of Three hundred and seventh Infantry Post of the American Legion, favoring universal military training; to the Committee on Military Affairs.

1595. Also, petition of sundry citizens of the State of New York, protesting against the sale of the German ships; to the Committee on the Merchant Marine and Fisheries.

1596. By Mr. RANDALL of California: Petition of 150 members of the First Methodist Episcopal Church of Long Beach, Calif., urging the passage of the Sims bill relative to gambling, etc.; to the Committee on Interstate and Foreign Commerce.

1597. By Mr. SIEGEL: Petition of the Rotary Club of New York City in regard to pay of customhouse employees in the city of New York; to the Committee on Appropriations.

1598. By Mr. SMITH of Idaho: Petition of sundry citizens of Castleford, Idaho, urging the enactment of House bill 262; to the Committee on Interstate and Foreign Commerce.

1599. Also, petition of Idaho State Federation of Labor, Pocatello, Idaho, opposing the Cummins and Esch bills; to the Committee on Interstate and Foreign Commerce.

1600. Also, petition of laborers of Idaho Falls, Idaho, opposing House bill 11430 and Senate bill 3317; to the Committee on the Judiciary.

1601. By Mr. TAGUE: Petition of 92 citizens of Boston, Mass., protesting against the sale of the German ships taken by the United States during the recent war; to the Committee on the Merchant Marine and Fisheries.

1602. By Mr. VAILE: Petition of American Legion, Marcellus H. Chiles Post, No. 41, Denver, Colo., urging favorable action on the Jones-Raker bill, providing relative rank for nurses; to the Committee on Military Affairs.

1603. By Mr. WINSLOW: Petition of 77 residents of the fourth Massachusetts congressional district opposing the sale of the former German ships by the Government; to the Committee on the Merchant Marine and Fisheries.

1604. Also, petition of sundry citizens of Melville, Mass., favoring the enactment of the Sims bill (H. R. 262); to the Committee on Interstate and Foreign Commerce.